VOLUME ONE NUMBER EIGHT SEPTEMBER 1969 ONE DOLLAR

# The Washington Monthly

**The Impotent School Board**
by Robert Bendiner

**Why the Lights Will Go Out Again**
by John Wicklein

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The Washington Monthly is a new magazine with a new purpose—to help you understand our system of politics and government, where it breaks down, why it breaks down, and what can be done to make it work.

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Published monthly by The Washington Monthly Company, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036.


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Subscription Rates: Domestic (including U.S. possessions and Canada)—$10, one year; $18, two years; $25, three years. Foreign—$1.50 per year additional. Single issue, $1.00.

Unsolicited manuscripts must be accompanied by a stamped, self-addressed envelope.

Send all remittances and correspondence about subscriptions, undelivered copies and change of address to 1150 Connecticut Avenue, N.W., Washington, D.C. 20036

Printed by The McCall Printing Company, Mid-Atlantic Division.

Application to mail at second class postage pending at Washington, D.C.



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SEPTEMBER 1969

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# Letters

## Tigers at Foggy Bottom

William Bell's article ["The Cost of Cowardice: Silence in the Foreign Service," July, 1969] calls attention to the serious problems which can result if Foreign Service officers fail to speak their minds within the organization and also indicates that there is a growing group, particularly of young Foreign Service officers, who are making sure that dissent and discussion within the ranks of the Service can be vocal and constructive. In my own instance I have found that constructive criticism has not only been tolerated in the Service but has generally been encouraged. There have been a few bleak periods when this was not true and it may be that some of us who ignored that fact were temporarily impeded in our careers. However, that period seems to be long past and the prospects for the future look promising.

My only regret is that competent young officers like Bill Bell are still leaving the Service at a time when talents like his are seriously needed. I hope that his efforts, as reflected in his article, and others like them, will create a climate in which our best young officers will wish to remain in the Service and carry on the work that lies ahead of us.

WILLIAM H. SULLIVAN
Washington, D.C.

*Mr. Sullivan, formerly Ambassador to Laos, is Deputy Assistant Secretary of State for East Asian and Pacific Affairs.*

My response to Mr. Bell is based upon close association with the Foreign Service as an educator in the field of international relations and as a one-time, one-year insider.

It is not entirely clear what Mr. Bell is trying to say or do in his article. But, as I read it, he seems to be saying that the U.S. Foreign Service is guilty of cowardice, and that (with rare exception) foreign service officers are afraid to express whatever dissent they are capable of mustering, principally because they lack innate intellectual courage and are intimidated by the system in which they work.

Having touched on these points, Mr. Bell hurries through a number of prescriptions. He is encouraged by the recent statements and actions of Secretary Rogers and Under Secretary Richardson with respect to administrative reform and by the evolution of the Open Forum Panel. He implores the Department to punish "information management," seek out new recruits with "leadership qualities," and reward intellectual courage.

For openers, there is not a shred of evidence in this article to prove that foreign service officers are cowards. That is not surprising because, while foreign service officers may be subject to human frailties and the faults of the system, they are not cowards. In fact, the record of courage both physical and intellectual on the part of foreign service officers is impressive. (Read of the careers of George Kennan, John Paton Davies, and Edmund Gullion, career foreign service officers whose courage can be stacked up against the best of any bureaucracy.) What the Foreign Service may be guilty of is not cowardice but a failure to illuminate its own impressive record of national service. It suffers from silence about its achievements.

It is true that there is not enough dissent coursing through the corridors of the State Department. But this does not mean that there is less dissent expressed within the State Department than within any other large bureaucracy (public or private) or that foreign service officers, any more than officials of any other organization, lack intellectual courage. What it means is that the Department of State, like other bureaucracies, has not yet found the best ways to stimulate and utilize dissenting views and new ideas. The Department, however, is working on this problem and more seriously,



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I venture, than any other public or private organization.

Evidence of the Department's serious efforts to improve its performance by encouraging usable dissent are partially indicated but not credited in Mr. Bell's article. He mentions that Professor Chris Argyris "was unkind enough to write a report on 'Some Causes of Organizational Ineffectiveness Within the Department of State.'" Mr. Bell fails to mention that the Department itself commissioned Argyris to do this study and published and distributed thousands of copies of his report. The Department *is* interested in learning about its problems and what to do about them.

Mr. Bell describes the Junior Foreign Service Officers Club as being a hotbed of intellectual dissent but writes it off as being ineffectual because it is exclusively involved in the "personnel field." Mr. Bell forgets his own point; namely, that the personnel system accounts for much of the conformity which he criticizes. The junior foreign service officers know this, and they want to change the process. If they succeed, the system will put them in places where they can get their licks at the policy issues which Mr. Bell claims they "never" discuss.

Mr. Bell mentions the Open Forum Panel and tries to say some nice things about it. But he ends up saying that the Panel, like the Department itself, is bottling "distilled water" instead of sparkling new ideas and that it must now shift its attention to outside contacts because it found so little "food for thought" within the Department.

Mr. Bell would have been more helpful and accurate if he had concluded instead that the Open Forum Panel was hard-pressed to discover new foreign policy ideas because it is a fact of life that good ones are very hard to come by, and that the OFP was turning to the outside, not because it was dying of thirst in the Department, but because it was genuinely interested in serving as a conduit into the policy process for ideas from the outside. It would also have been accurate to add that the Open Forum Panel is discovering that good, usable ideas are no more plentiful outside the building than within (Galbraith, Goodwin, and Schlesinger notwithstanding).

Mr. Bell is helpful when he catalogues the reasons why the Department of State is currently finding it difficult to recruit the best young talent. Much of what he points to may be beyond the control of the Department insofar as it is a result of the cyclical swing to a period of national introversion. Where it is in the Department's power to improve its recruiting by, for example, reforming the examination and processing procedure and working toward a more representative Foreign Service, it is attempting to do so.

Mr. Bell's most grievous disservice to the Foreign Service is one of omission. His article fails to mention the active and increasingly successful reform efforts of the American Foreign Service Association. This Association of 7,000 active and retired foreign service officers is defining and addressing itself to the problems of the diplomatic service in a way unprecedented and unparalleled in the annals of bureaucracies. The Association, after a year of careful study by task forces of foreign service officers working in their spare time, issued a report on the major problems of the Department of State. The report is a critical look at the inside by insiders. It goes beyond the problems noted by Mr. Bell, tackles a score of others, and concludes with constructive, detailed recommendations for reform. This workmanlike report, entitled *Toward a Modern Diplomacy,* is more representative of the intellectual quality and courage of United States Foreign Service Officers than is Mr. Bell's commentary. It is, therefore, more entitled to be read and seriously considered than his article.

Finally, I may have a basic philosophical difference with Mr. Bell. He seems to believe that a noisy Foreign Service (whose disagreements are audible and observable to the public?) can work. I believe that only a disciplined Foreign Service that keeps its disagreements to itself can work.

There must be consistency in our foreign policies for them to be believed and respected. This can only be achieved by a system which appears to those who observe it from the outside to be a "silent" service. Within the Department of State and its embassies, opposing views must be encouraged and given a fair hearing. Outside these buildings, policy must be loyally supported and implemented by career officers. In the

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long term, that is the only way the best interests of this country can be served by its diplomats.

PETER F. KROGH
Medford, Massachusetts

*Mr. Krogh is associate dean of the Fletcher School of Law and Diplomacy at Tufts University.*

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## Edelman: Pro and Con

As a part-time resident of East Africa, I commend Peter Edelman ["Kenya and Tanzania: Developmental Contrast," July, 1969] for bringing to American attention the tremendous difference between Kenya and Tanzania in terms of their development program. I agree with virtually everything that Edelman has written in his description of the two countries. I look forward to more penetrating articles on Africa in your magazine.

GARY GAPPERT
Washington, D.C.

*Mr. Gappert is the Washington Director of the American Committee on Africa.*

Peter Edelman's article has caught my eye on the basis of his assertion that Kenyatta's likely successor will be Daniel Arap Moi because..."Arap Moi is a Kikuyu."

As long as Mr. Edelman is in the business of making political predictions for Kenya, the very least he could do—especially since he has a Ford Grant to be in Kenya, for God's sake—is to research those persons about whose future he is predicting, in a responsible and accurate manner.

Mr. Arap Moi happens to be Kalenjin. Arap would never be a Kikuyu name. In fact, I believe it is akin to Fitz, Von, etc., and means "son of" in some East African languages, but not Kikuyu.

NANCY MAMIS
New York

*The author, Peter Edelman, responds:*

You are quite right, of course, that Mr. Arap Moi is a Kalenjin. I regret the error. However, as you know, the basic point remains the same: it's difficult for a Luo to come to power in Kenya. The Mboya tragedy was sad confirmation of this fact.

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## More on "More on"

To say that most civil servants are afraid to fight to the point of quitting their jobs for substantive issues which concern them ["More on Courage and Cowardice," August, 1969] is simply not relevant to the experience of many, if not most, federal bureaucrats. That they are *not* in positions where it is possible to take stands on issues is probably the greatest single source of frustration to a large crop of well-educated, highly intelligent, concerned young people who are attracted to the lower and middle levels of the federal bureaucracy by a desire to contribute their talents to solving the nation's and the world's problems.

It is not that these people see themselves as "technicians who have no proper role fighting over substantive issues"; rather, they end up functioning as technicians because of the nature of the system in which they have chosen to work. Except at high policy levels, the role of the civil servant more often than not is that of the technician administering laws and regulations, collecting data, etc. As a result, particularly for the younger civil servant, the choice will not be between courage and cowardice but will often be between submission to the seeming meaninglessness of technical detail and frustrated departure for other fields of endeavor.

THOMAS FULDA
Vienna, Virginia

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## The "Appendage" That Roared

Arthur Alpert's article ["Crossed Wires: Cable TV and the Public Interest," July, 1969] is a useful analysis of the dilemmas of our present and future national communications policy. It is difficult to explain, however, his one-line dismissal of non-commercial communications potential, as a "little-watched appendage."



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This seems a special oversight since it is non-commercial television and radio which seek to serve minority audiences—a virtue Mr. Alpert identifies only one paragraph before, and which he considers an omission in the "American television system." If it is a defect in the commercial side of the system, it is an operating principle on the non-commercial side. To have acknowledged this would have made for a much less routine exposition of a communications policy which exploits fully the expanding range of transmission formats and systems.

WILLIAM G. HARLEY
Washington, D.C.

*Mr. Harley is president of the National Association of Educational Broadcasters.*

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## Attacking the First Strike

Morton Kondracke makes a number of errors of fact and interpretation in his rather ideological article ["Washington's Whispered Issue: Our First-Strike Capability," June, 1969]. For instance, he repeats the myth that the "missile gap" of the 1960 Presidential campaign was a "phony," a mystifying assertion since it is widely known that the "gap" was based on the best information available at the time and was only disproved in retrospect when new information became available later.

A far more important error is his persistent confusion of the strategic concepts "Damage Limitation" and "war-winning." While not completely unrelated, the two concepts do not begin to equate, though Kondracke first labors to suggest that they do and later just assumes it. Though this issue is anything but "the first question" to consider (as he asserts), it is important enough to deserve a calmer examination than his. Let me sketchily suggest three reasons why "Damage Limitation" (D.L.) is an idea worthy of careful analysis. Two concern, respectively, the beginning and ending of nuclear war.

There is a distinct tendency to discuss nuclear war in a contextual vacuum. But in fact all observers agree that an "out of the blue" strike on the U.S. is exceedingly unlikely. If nuclear war comes it will come by growing out of some lesser conflict—escalation. Use of nuclears may well not begin "all at once." In such situations, D.L. may be an extremely valuable capability to have.

Second, a prime U.S. strategic goal is and must be the *termination*—ending, not "winning"—of any nuclear war. While the best way to terminate is not to begin, we have to think about how to stop one that starts. If there is to be any hope of halting nuclear war short of catastrophe, we must have options other than just the city-busting that Kondracke favors. The "mutual unconditional deterrence" Kondracke likes so much can equally well be called "mutual unconditional suicide." Again, a role for D.L. is at least plausible.

Third, there are nations other than the Soviet Union, and accidental or unauthorized attacks. One would think that it was too obvious that D.L. could have an important role here for Kondracke to fail even to mention it.

All this has not proved Kondracke completely wrong: his preferences have features of interest and the issues are far too complicated to be compressible into a letter or short article. That is why there is by now a considerable body of literature in this field, authored by "brilliant and sophisticated thinkers" for whom Kondracke seems to have a vast but unexplained contempt. The conclusions we should come to are not obvious, which is why we do indeed need the debate that Kondracke calls for, but which is also why we do not need the ideology and false emotionalism which seem to be Kondracke's own contributions to the debate.

RICHARD SMOKE
Boston

*Mr. Smoke is a graduate student specializing in national security policy at M.I.T.*

*The author, Morton M. Kondracke, replies:*

Mr. Smoke is correct on one point: damage limitation and "war-winning" do not exactly equate. For example, if both the Soviet Union and the United States maintained arsenals of only a few offensive missiles, but had vast and virtually-impenetrable

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anti-ballistic missile systems, the ABMs would be "damage-limiting" but not war-winning. They would be strictly defensive.

This is not how U.S. and Soviet forces are arrayed, however. Each side has approximately 1,000 fixed land-based offensive missiles which at present are relatively inaccurate. In this posture, each nation has "assured destruction capability"—the ability to deter war—but little ability to limit damage. Add on to this, now, the same "thick" ABM system (in the name of "damage limitation") and you have a war-winning posture: the ability to strike first, demolishing the Soviet Union, and to destroy enough retaliating Soviet missiles before impact so as to give the United States "relative advantage" when the dust clears. If the Soviets had such a capacity and we had none, the Pentagon would regard the Soviet posture as war-winning, no mistake about it.

Our thick ABM system was delayed when President Nixon replaced President Johnson's Sentinel system with Safeguard, but the more ominous damage-limiting device—MIRV—seems unstoppable. The U.S. and the Soviet Union are developing high-accuracy multiple warheads enabling each to destroy the other side's land-based missiles. The "damage-limiting" rationale is this: the more missiles you destroy on the ground, the less remain to strike you back. Lest anyone think this damage-limiting weapon is not war-winning, let him recall Secretary of Defense Laird's reaction to the Soviet SS-9 rocket and its multiple-warhead potential.

The point is that while it is possible to conceive of contexts in which damage-limiting weapons are not war-winning, they do not apply today. In the context we live in, deployment of such weapons by either side is looked upon by the other as war-winning, as degrading to its deterrent, as a provocation demanding response.

In view of the grave instabilities created by damage-limiting weapons, it is not sufficient to point to accidental, unauthorized ("mad general") or "nth nation" launches as the rationale for their deployment. Indeed, none of these is the Pentagon's principal rationale—or Mr. Smoke's. Both conceive it possible to fight less-than-total nuclear wars and to stop them with one side (the Pentagon says, *our* side) or both sides relatively intact. Following this premise, they coolly devise "options" for doing so and (damage-limiting) weapons to carry out the options. I submit, however, that a nuclear war environment will be far different from that prevailing in an air-conditioned think tank or war room. I do not see rational planners remaining rational when nuclear bursts begin incinerating cities and demolishing the communications system that would allow them even to know whether an attack was total or less-than-total. And how could the nation launching a first strike depend on the other to respond "rationally" to its "limited" attack?

I suggested for debate that we consider a different premise: that any nuclear war, however it starts, will be total by the time it is over. Following this reasoning, I suggested maintaining a secure deterrent and announcing that it will be used against cities in the event of attack. I can understand why some strategic thinkers would reject this system of mutual unconditional deterrence. Their job is to think about nuclear war, and thinking about it is difficult if it is rendered "unthinkable." Options would get closed. But, I, unemotionally and unideologically, ask them to consider that, in keeping our options open for war-fighting and war-winning, we continually build weapons that undermine deterrence, our best hope for survival. We always put the best possible face on it; we say we're merely securing our own deterrent, as we did in the early 1960's in response to a "missile gap" that *was* a phony. President Eisenhower denied that such a gap existed, and he was right.

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## Blocking the Highways

Many of us in New Orleans have enjoyed reading reprints of your article "The Highwaymen" [March, 1969]. The recent decision of Secretary of Transportation John A. Volpe to deny federal funds to our Riverfront-Elysian Fields Expressway has reversed the senseless march of concrete in our cities.

Many different kinds of people worked against this expressway, with most of the



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effort being spent in trying to find out what officialdom had on the drawing boards but would not show to the public. The most revealing events were several open hearings—and it took much pressure to set them up.

The *Vieux Carré Courier*, a small bimonthly paper dedicated to the cause of preservation, was an invaluable asset in both reporting and widely circulating up-to-date information on the struggle.

The expressway's potential impact on Jackson Square and the French Quarter created the initial furor. For a long time the battle was waged primarily by residents of the affected areas, and preservationists were weary. But when plans were announced for another bridge across the Mississippi, which would have linked up with the riverfront expressway and fed into our well-established uptown residential section, new recruits joined in. At this point we had our first direct political victory in support for an uptown district Councilman, whose election was a decided upset to the political establishment.

A lawsuit challenged the right of the Highway Department to impose a mammoth structure, which would have loomed high over the rooftops of our protected historic district. It was hoped that lengthy litigation would delay the project long enough for political action to take effect.

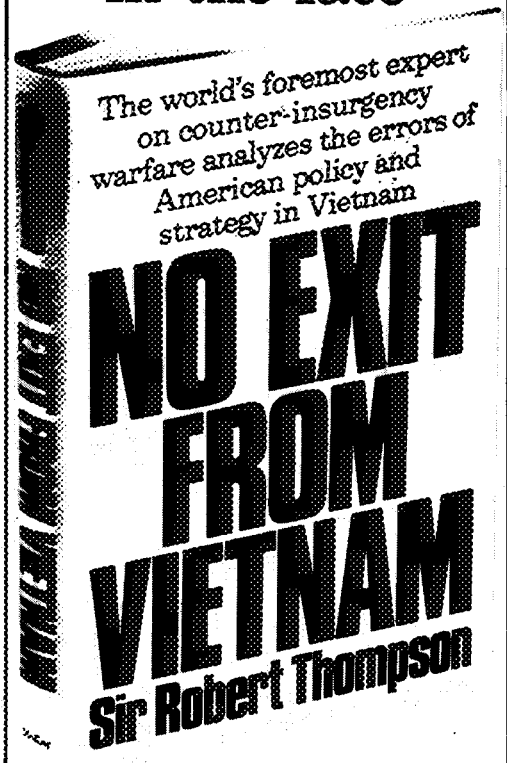
The findings of the National Advisory Council on Historic Preservation, issued some four months ago, were the beginning of the end for the plan: it suggested that another route be found, or that the expressway be built underground.

Inflexibility of the proponents was a significant factor in our eventual victory. If they had been willing to compromise on the elevated portion in front of Jackson Square, I believe that we would now have some sort of roadway built along the riverfront, but they were obstinate beyond the point of reason.

MARGARET P. McILHENNY
New Orleans

*Editor's Note: More good news for highway opponents—Mayor Lindsay of New York City has cancelled plans for two major expressways, the Lower Manhattan and the Cross-Brooklyn.*


The first book that has dared to look the facts in the face




SIR ROBERT THOMPSON, who played a leading role in the British victory over the Communist guerrillas in Malaysia, shows why the United States, with all its military and economic might, has failed in Vietnam. He shows how greatly we have misunderstood People's Revolutionary Warfare, trying crash programs for quick results instead of undercutting the insurgents by winning over the Vietnamese peasants. And the Paris talks, Sir Robert feels, are doomed to frustration unless we come to grips with the Communist concept of negotiations as an aggressive weapon aimed at victory, not peace.

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# WHERE WILL YOU BE WHEN THE LIGHTS GO OUT—

by John Wicklein

In the 99-degree heat of this year's Washington July, my friend's air conditioner broke down. That same night, on television, he heard that the electric company was appealing to its customers to use as little current as possible, because of a shortage of power. Assuming that all appliances "normally" break down sometime or other, he did not connect the breakdown with the appeal until the repairman came.

"Your condenser burned out," the repairman told him.

"Why?" my friend asked.

"Low voltage—the power company cut the voltage to spread the power around. I've had half a dozen calls on air conditioners that have burned out because of it."

"Could I prove that in court?"

"Maybe," said the repairman.

At that point, my friend felt mad enough to try. Why, he asked himself, as others were asking themselves throughout the Northeast, why doesn't the power company have enough power to meet its summer air conditioning loads, when it's been pushing the sale of air conditioners all spring? Aren't such load increases predictable years in advance? Why, four years after the Big Blackout of 1965, are we still skating on the outer edge of electrical capacity?

We are still at the edge. When three of its generators broke down in four days in August, Consolidated Edison Company of New York warned customers that its reserves were gone. A further breakdown—or one very hot day when all the air conditioners are on—might force the company to drop some of them off the line.

*John Wicklein, a former reporter for* The New York Times, *is a producer of public affairs programs for National Educational Television in Washington.*



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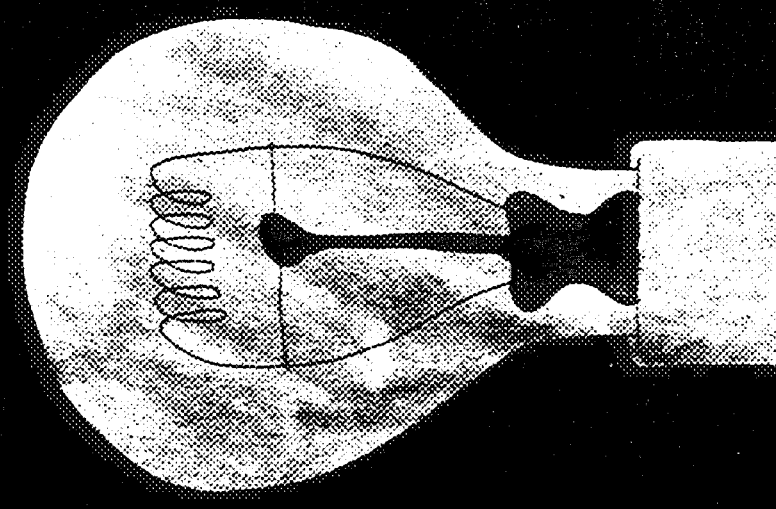
# Again?



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Two days after the New York emergency, an overload knocked out a generator in the Turkey Point plant of Florida Power & Light. No reserves were immediately available to make up the drain on the rest of the system, so five other generators tripped out automatically—what is known as a "cascading" failure. Fifty miles of the Gold Coast, including Miami, lost power. Rush-hour traffic was jammed when the signals went out, and gates at railroad crossings dropped across the roads. In a Fort Lauderdale hospital whose emergency power failed, a baby girl was born under a flashlight held by a nurse. It took Florida Power & Light from two to six hours to restore electricity to the two million customers affected.

Since the Northeast Blackout of November, 1965, there have been 37 major, cascading power failures across the country. No region is yet safe from this type of blackout. Some regions—the Pacific Northwest, the Tennessee Valley area, and the American Electric Power system in the Midwest—seem safer than others. But for the most part, power companies have failed to act decisively on the lesson of 1965, when 30 million people in a 30,000-square-mile area found themselves without power for up to 13 hours.

Why have they failed to act?

The only reasonable answer, when you study the power situation in the United States, is lack of foresight among most private power company executives. These men somehow seem to lack the will—or the enterprise—to face up to the capacity problems of an industry whose demand is doubling every ten years. Central to the failure to provide reliable power is the ancient, unresolved battle of public versus private power.

Lee White, leaving office July 31 as chairman of the Federal Power Commission, said: "Why the hell haven't these guys come forward with the solutions to these problems? I'm disturbed and disappointed and bewildered that they appear to believe that their problems are soluble under existing conditions."

Industry leaders don't feel the need to come forward because the people, in normal times, give very little thought to a service that is essential to their well-being. Only a blackout, or a brownout that cuts into their air-conditioned comfort, moves them to cry loud enough to make Congressmen hear them above the din of other political clients.

To some people, the Big Blackout was a lark. "Where Were You When the Lights Went Out?" and all that. It was fun being caught between floors in the elevator.

But what if the building had caught fire at the same time? What if it had not been a bright, clear night, and you had been in a plane over a fogged-in airport that had no ground control to guide it down? What if *you* had been on an operating table in a New York hospital when the lights went out?

Miraculously, no deaths occurred. But miracles don't necessarily happen twice.

As it was, it cost the companies millions—costs passed on to the customers—to repair generators and other equipment that burned out because alternate power to keep the machines operating had not been provided. It seems to have come as a surprise to Con Ed, for instance, that the pumps that drove oil to protect the generator bearings were *electrical* pumps, which had to depend on power from other generators to keep them running. That was one small but costly illustration of this lesson of the Northeast Blackout:

When a major emergency hits, you cannot rely on your own reserves; you have to be able to import large amounts of power instantly over high-voltage interconnections from other power systems that are not affected by the failure. Today, most power companies are not sufficiently interconnected to do that.



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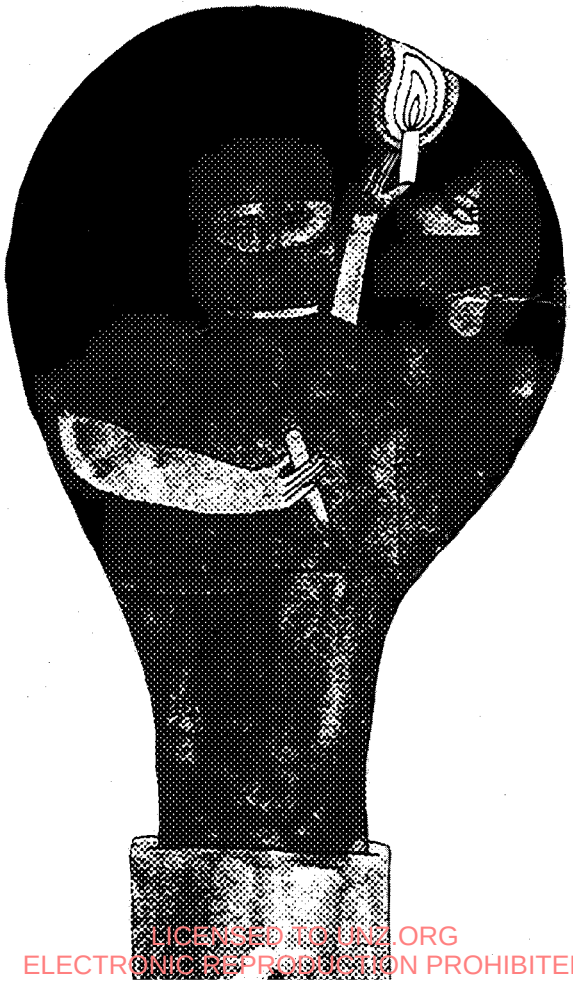
Consolidated Edison, though it has some ties for power trading to the north and west, does not have enough interconnections with the big Pennsylvania-Jersey-Maryland power pool to the south. Florida Power & Light has no strong interconnections over which to draw power from Georgia and the rest of the Southeast. Hence, the two blackouts.

## Missing Connections

Around the country, too many regional interconnections are missing. Federal surveys stress the need for backbone lines tying systems in the Northwest to the Northern Mountain States, from those states to the Lower Missouri Valley, and from the Lower Missouri to Ohio. In the Rocky Mountain region, lack of a heavy line between Utah and Arizona caused instabilities resulting in 162 local-system "outages" last year. Texas companies, to avoid coming under the jurisdiction of the Federal Power Commission, refuse to have any high-voltage ties at all to the states around them. New England is singularly lacking in interconnections.

For years, power engineers have known what is needed to develop reliable, low-cost electricity for the nation: well-engineered, high-voltage transmission lines connecting every utility in a region into a single grid.



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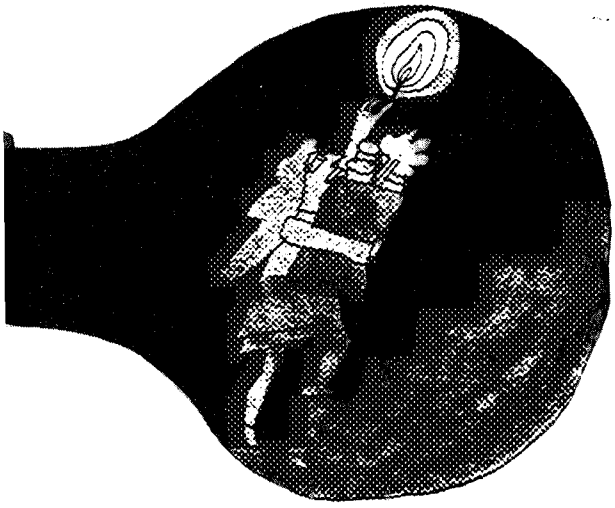

Imagine a grid as the cross-hatchings on large-scale graph paper. The power plants are at the corners of each square. The lines between the corners are high-voltage transmission lines. Each power plant is thus connected with every other power plant in the grid. Local distribution systems, occupying the centers of the squares, tap the heavy lines that surround them and deliver power over smaller lines to customers in their areas.

When a company loses power from one of its corner plants, it can by-pass that plant and draw power for distribution from other plants on the grid. This gives it reserves far in excess of the amount it can economically provide by operating on its own.

To make the regional system operate effectively, power flowing around each grid must be coordinated from a central control that has knowledge of the electrical situation in every part of the region.

Only three strong regional grids exist in the country today. Two were built by government agencies: the Tennessee Valley Authority and the Bonneville Power Administration in the Pacific Northwest. The third, centered in Ohio and Indiana, was put together by American Electric Power because of the philosophical dedication of an engineer named Philip Sporn to the grid concept. Sporn, then head of AEP, has always been considered a maverick by the industry.

Other grids won't come about quickly if it is left up to individual companies. It has been traditional for a power company to look on its area as a fief in which it is sovereign. The lords of the power fiefs have been concerned chiefly with turning a profit from local distribution of electricity. Until the Blackout, they saw little economic point to paying for bigger transmission lines than they needed for their own systems, just for the sake of tying the whole region together for reliability. If they were to interconnect with all the other companies, soon those other companies might start pressing to merge them into a single operating entity. And what lord wants to be merged out of his fief? "What we need to coordinate the companies here are a few good funerals," one utility president in New England remarked.

Executives often are reluctant to commit their companies to the large capital expenditures needed for heavy transmission lines and enough new generators to keep them well ahead of expected demand. That may seem surprising, since state regulatory commissions usually allow them to put those costs into their rate bases and to raise the price of power to customers accordingly. The answer to this is competition from gas. Even though a company has a monopoly in its service area, it doesn't



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want to raise electric rates so high that gas looks more attractive to a housewife for drying clothes or to a homeowner who wants to install an air conditioner. Some executives are afraid that spending for reliability will do just that.

But people who want to see grid interconnection say that, at worst, this is a short-run concern. Once the grids are operating, the company will save money for its customers. Systems in the grid can pool financing to build larger plants than any one of them could build alone. The larger the plant, the lower its operating costs. In addition, the grid's central control room can put plants on the line in ascending order of costs. The oldest, least efficient plants can thus be used only when demand hits its peak. Without the grid, companies have to operate their least efficient plants a larger part of the time.

Even for the short run, the Federal Power Commission estimates that costs to build facilities necessary for reliability "would not be burdensome either to the utilities or the rate payers." The power industry figures it will spend about $8 billion for network interconnections between now and 1975. The FPC believes this will do no more than retain the existing level of reliability, and that an additional expenditure of $3 billion is needed in that time to provide an acceptable level of uninterrupted service. According to an FPC study, the annual cost of this increased investment would be less than two per cent of the cost of power to be produced in the United States in 1975.

No one seems to have suggested the heresy that, to take care of any added short-run costs for reliability, the companies could build the facilities and *not* raise their rates—paying a slightly lower rate of return to their stockholders. Power companies, on the grounds that they are regulated monopolies, are permitted to earn a guaranteed rate of return on their investment. Usually the state commission permits their return to be well above that earned by other industries in the state.

Of course, the "official" rate of return is usually six or seven per cent. But in most states that is a fiction created by the very special bookkeeping permitted the power companies by the regulators. Investor-owned utilities are allowed, for example, to include the cost of advertising campaigns opposing federal power projects and the expenses for preparing cases for rate increases. Most companies, in addition to the books they show to the regulatory agencies when they want a rate increase, keep a set of real books for their executives. Of the 35 largest power companies, according to a *Fortune* magazine survey for 1966, no company showed earnings as low as seven per cent in net income as a percentage of invested capital. Twenty-nine of the 35 had earnings ranging from 10 to 16 per cent.

## Reliability

Only one thing has moved most company executives to consider the public interest in addition to private gain: threat of government action. Today, government officials appear unwilling to act in the power field unless they themselves are goaded by an irate public.

"If we have another blackout, or a series of power shortages in which the companies have to ask the public to cut back on the use of power, then Congress will act." This was Representative Richard L. Ottinger (D-N.Y.) talking about a reliability bill he and Senator Edward M. Kennedy (D-Mass.) introduced last spring.

Since the days when all power companies operated as isolated systems, their engineers have used a rule of thumb for defining "reliability"—the state of providing uninterrupted service for their customers. The rule is

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that the system must have enough capacity in reserve to make up for the loss of the largest single generating unit in the system.

This rule is insurance against major outages. Obviously, small-area outages, caused, for instance, by breaks in distribution lines, will always occur. But these are relatively easy to repair; it is the capacity failures that cause the big difficulties.

Federal Power Commission engineers and others who have studied the question suggest the companies should use, as their standard of reliability, enough reserve capacity to protect against *two* major failures occurring simultaneously on one local system. It would be uneconomical for each company to build two big generators for reserve above the greatest expected demand. But, using the theory of probability, the same degree of protection can be approached by tying a company with one generator in reserve to a number of other companies, each with one generator in reserve. An integrated grid system embodies that principle.

The Ottinger-Kennedy bill recognizes that, because transmission lines of regional systems cross state lines, electrical reliability must be primarily a concern of the federal government rather than the state commissions. It provides that private and public utilities of a multistate region, working with the FPC, join in setting up a power-coordinating council. The council would draft plans for interconnecting all the systems and providing generating capacity to meet forecast loads. The FPC would test these plans against its requirements for reliability, and a National Council on the Environment would pass on FPC licensing of the facilities from the point of view of their impact on the countryside. The Power Commission, for instance, would have to be concerned that discharge from a nuclear generating plant would not raise river temperatures to a degree that would kill the fish. It would have to be concerned that a transmission line was not routed so as to require the cutting of 1,000 redwoods in its path.

The Ottinger-Kennedy bill relies on pressure from the FPC, rather than hard compulsion, to get the companies to build the grids and generation that the commission feels are needed for reliability.

Late in July, Senator Edmund S. Muskie (D-Maine) also introduced a reliability bill. It, too, lacks the teeth to force grid interconnection. Muskie's bill would set up regional boards, reporting directly to a federal agency designated by the President, to coordinate capacity planning by utilities in the region. Using standards set by the agency, the boards would devise procedures to ensure reliability and protect the environment. A utility that wanted to build a power plant would be required to get a certificate of compliance from its board before it began construction.

"The threat to our environment and to the reliability and adequacy of our supply of electric energy is too great to leave these decisions to the electric utilities," Senator Muskie remarked. "We cannot afford to wait until the plant capacity doubles; it will be too late. We continue to gamble with our resources with each passing year."

When it is accused of lack of planning, Consolidated Edison, by reflex, replies that conservationists have blocked it from building a big pumped-storage generator plant at Cornwall on the Hudson River and other plants it wants to build. The validity of the excuse is arguable—Mayor Lindsay doesn't buy it. But it points to the need to coordinate construction plans of all the utilities in a region, so that sites can be found that are not objectionable and a grid can be built to connect the sites with centers of load. If Con Ed had



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pressed this idea on its neighbors in the Northeast seven years ago when it first met opposition at Cornwall, it could have had capacity to spare this summer.

Representative Ottinger isn't too hopeful that, short of a blackout, the Nixon Administration will back his bill, Muskie's bill, or any other like it. "Judging from the character of this Administration," he said, "I don't think we would get any support for a reliability bill. This Administration is much more industry-oriented than the last one and wouldn't be likely to push a bill that the industry opposed."

The only concrete indication of where President Nixon stands on power came in his appointment of a conservative, John Nassikas, to replace White at the Federal Power Commission. Nassikas, a New Hampshire lawyer, said before he took office that he thought no new reliability legislation was required. Appointees, of course, sometimes change their views.

White House staff people assigned to follow power aren't saying yet how they feel about the legislation. It's a complicated technical matter and a controversial political one. Why should they show their hand before they are forced to?

The industry is definitely opposed to the measures proposed by Ottinger and Muskie. The private utilities say they can achieve reliability by themselves, without FPC supervision, through *voluntary* regional groupings formed last year in each of the eleven power regions in the country. These voluntary councils were set up, as much as anything, to head off the reliability bills.

After the Big Blackout, the power companies realized they had to do something to mollify the public. First, they put on a public relations campaign broadcasting their plans for new generators. Then, at the urging of the FPC, they began to install load-shedding de-

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vices to protect their systems against cascading blackouts. If a sudden drain on power hits the system and the demand can't be met by company reserves, these devices automatically select low-priority customers, such as private homes, and cut them out of the system, permitting high-priority users such as hospitals to stay on the line.

At best, load-shedding can be only half—the negative half—of a program to protect against widespread blackouts. It is no substitute for adequate generating capacity and back-up interconnections, but it does make a power company feel more secure politically to know its whole system won't go down at once.

There's no doubt that the power companies are politically more secure today than they were in 1965, and this fact was given recognition by Chairman White just before he left office. Last year the FPC introduced a reliability bill that, although less extensive than the Ottinger-Kennedy bill, was written along the same lines. This year in his last official act, White offered a weaker bill, more a pleading for coordination among the companies than a demand for direct FPC supervision of their planning.

Recently, some of the voluntary coordinating councils, emboldened by the hands-off attitude signaled by the Administration, have told the FPC they don't want its engineers sitting in on their planning sessions. Several of them have shown reluctance to allow publicly-owned utilities—municipal systems, rural electric cooperatives and, in the West, public utility districts—to join the councils. This, of course, kills the whole concept. The engineering theory behind reliable, economic power requires that *all* power systems in a region be tied together into a single operating entity.

For the companies, the ideal situation is to operate completely without government interference. To do this, they have to keep down not only Administration and legislative activity, but keep a clamp on the publicly-owned systems. Public power systems compete with them for customers and usually charge lower rates for power. But more than that, they are constantly plugging for federal supervision of the power industry and for total interconnection.

In two areas where federal power is dominant, TVA and the Pacific Northwest, the private companies and the public systems have learned to live together. But, generally, the goal of private power—the companies, the industry associations, and the state and national power lobbies—is to block federal power projects wherever planned. At the same time they aim to eliminate public systems wherever possible, take away their customers where that is not possible, or, failing all else, keep them as customers in vassal systems that have no generating capacity of their own.

Progressives in the private power companies tell you that the old private-versus-public fight is outdated, a philosophical hangover from the 1930's that has been overtaken by the pragmatic need to work together to meet a seemingly insatiable demand. I've met a few industry executives who I'm certain believe that. On the surface, it looks as if they are right. The right words are said; no one is against pressing onward in harmony and cooperation. But when you dig beneath the surface, you find that opposition of private power officials to any public efforts in electricity—whether it be FPC regulation, federal hydroelectric dam construction, or rural electric linestringing—is as strong as ever. The drive is less noisy, more sophisticated, but probably more deadly.

Since the private industry owns more than 80 per cent of the electrical capacity, it's reasonable to ask: why make a fuss about minority operators in the business? For one thing, the public



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agencies often provide the only representation the public has in matters concerning its power supply.

In addition, the publicly-owned systems provide a yardstick against which the private companies' charges to customers can be measured. Federal power projects and most local publicly-owned systems offer power at rates lower than those of the private companies. The higher rates of private utilities—about 10 per cent on the average—are accounted for chiefly by the profit markup they add to costs of production. But something else is at work, as "Electric Power and Government Policy," a study by the Twentieth Century Fund, points out. In communities where private systems compete directly with municipal plants, average bills charged by private systems are "considerably lower" than the average bills charged by private systems in communities of similar size in the same state where public competition is lacking.

In Sweden, this kind of competition is the norm. A State Power Board operates a national grid connecting all public and private utilities. In Stockholm, Sune Wetterlundt, president of the biggest private power company in Sweden, told me that the private and public systems had lived in amicable competition for 60 years. "I think the State Power Board has worked as a yardstick, regarding rates," he said. "And I think it has worked rather well. For the customers, it is good, and also for the private companies—the competition. We believe in competition." Erik Grafström, head of the State Power Board, pointed out the corresponding benefit: "I think it is a good thing that my engineers have some competition from the private companies' engineers—it keeps our system efficient."

Where it exists in the United States, public competition improves the efficiency of private companies. This can be seen by a classic graphic offered by public-power advocates: if you draw concentric circles around the TVA and Bonneville Power Administration areas, you find the average price per kilowatt hour increases with each circle as you move away from these public power centers. Yet power companies next to the centers report better returns on investment than before the projects were built. It might be well to extend the yardstick idea, and the spirit of public-private competition, to other regions.

## New England Battles

In New England, where the private companies have so far been able to fight off all attempts to establish federal yardstick projects, the customers are charged the highest rates in the country. A homeowner supplied by the Boston Edison Company, for example, pays more than twice the rate paid by a homeowner in Seattle, in the Bonneville marketing area. In part, this reflects high fuel costs in New England, but fuel by no means accounts for all the difference.

Over bitter opposition from the private industry, Congress four years ago narrowly approved a bill to authorize a major federal hydroelectric project in New England—the Dickey-Lincoln School Dams on the St. John River in Maine. First call on this project's 800,000 kilowatts would go to public systems in the area, and the rest would be sold wholesale to the private companies. Desperate as they are for new capacity, the New England companies just do not like the idea of a federal project on their turf.

New England traditionally has been an area of rugged individualistic companies that did not want to cooperate even with each other. So the region lags behind the rest of the country in the coordinated operation the companies' own engineers agree is necessary.

The Big Blackout of 1965 gave the

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New England companies a jolt. Suddenly the papers were filled with "Investor-Owned Utilities" ads announcing plans for all kinds of coordination and cooperation and capacity-building. One ad, printed in *The Wall Street Journal* and elsewhere, proclaimed the formation of a "Big 11 Power Loop." This was to tie 11 large plants of several companies into one big grid. The grid was to include new nuclear plants—a form of generation that had not received much attention in New England up to that time.

But Big 11 proved to be a paper loop. In a hearing before the Atomic Energy Commission on plans to build the Vermont Yankee Nuclear Power Plant, Albert H. Cree, chairman of the Central Vermont Public Service Corporation, was asked if the companies involved had made a study of a one-system basis of operation in their area. Cree replied that the Big 11 Loop was a study of a sort. Whereupon this exchange between Cree and George Spiegel, attorney for a group of publicly-owned systems in Massachusetts:

**Spiegel:** Is that full-page ad of the Big 11 Power Loop the only document that exists as to the study of the one-system basis in New England?

**Cree:** So far as I know it is.

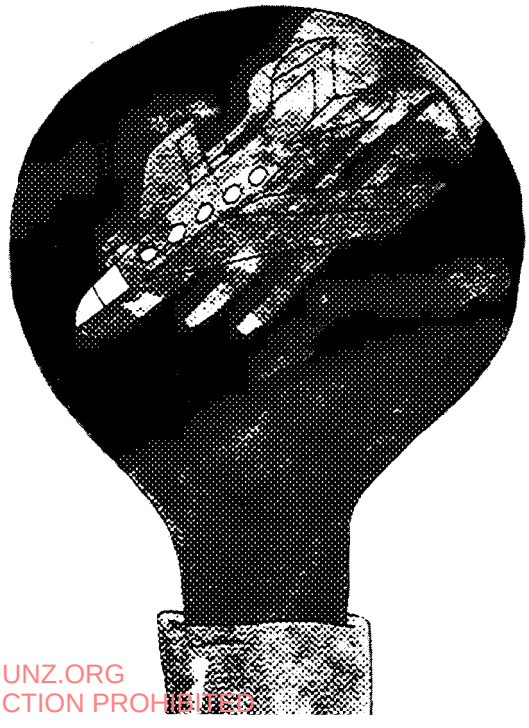
**Spiegel:** Do you think that there is sufficient detail in that one-page ad to guide you in this project?

**Cree:** Yes, I do, because the forecast of loads upon which all of our individual planning is based was part of the Big 11 ad.

Even if it had come into being as announced, the "Big 11 Loop" would not have met the criterion for reliable one-system operation—that all systems in the area must be interconnected. The power companies planned to exclude the public agencies from participating in the nuclear plants and the grid that would tie them together. Legal actions by the municipal systems have changed that, but the grid is still unbuilt. The "Big 11 Loop" continues to be promoted in television ads while the prospects for a major blackout seem about the same as they were in 1965.

Rather than reliability, the main interest of the New England companies in regional cooperation seems to be to keep federal power out of the area, prevent the states from forming public power authorities, and kill off the local publicly-owned systems. It's interesting to document this through evidence entered at a current SEC hearing on an application of three of the companies to merge into the Eastern Electric Energy System.

One Justice Department exhibit concerns the formation of an association of New England utility presidents. The association's purpose, according to a press release, was "to coordinate individual construction plans of New England's investor-owned companies, to





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the end that these companies will remain prepared to meet, in full and on time, all of the area's rapidly expanding electrical requirements, and to do so at the lowest rates consistent with the maintenance of proper service standards."

To this publicly announced purpose were added, in an "overall strategy" paper circulated privately among the participating companies, these "basic objectives":

> To develop a regional climate of public opinion which will prevent any expansion of government-owned or tax-subsidized electricity within New England, and which will, instead, permit the gradual elimination of government power operations presently existing in the area.
>
> To take a position of national industry leadership in securing the final defeat in the U.S. Congress of Passamaquoddy, St. John, and every other Federal power proposal for New England which requires Congressional authorization.

The first crisis to confront the presidents' association came as an aftermath of the Northeast Blackout. More than ever, the Dickey-Lincoln School project seemed necessary to the region. Some Maine legislators, concerned for future supply, proposed setting up a Maine Power Authority to distribute Dickey-Lincoln power and to build an atomic power plant. Quickly the New England companies reacted with a plan of their own. They would build a nuclear plant—Maine Yankee—which would bring power to the state cheaper than Dickey-Lincoln School.

At the SEC hearing, the Massachusetts municipal systems introduced a memo on Maine Yankee subpoenaed from the files of the Boston Edison Company. In it Frank M. Staszesky, executive vice president of Boston Edison, said that officials of two companies participating in the project had urged Boston Edison to come in as a gesture of "self-serving patriotism for the investor-owned utility industry."

Enlightened self-serving?

"They both feel," Staszesky wrote, "that the public power thrust is in Maine and must be met in Maine, and in particular they consider Dickey-Lincoln School the main threat."

In another memo, Staszesky said the major objective of the Maine Yankee project was "to discourage the formation of a Maine Power Authority, which could be a precedent for formation of similar public power authorities in New England." He reported to his president that the commitments of the two companies to come into the project had been made over the telephone. The urgency, he said, was to announce Maine Yankee before a special session of the Maine Legislature that was to consider creating the authority. One New England company executive, he wrote, "specifically thought we should join Maine Yankee to avoid arousing suspicions that the New England companies are not thinking and planning together—even if in private there are some differences of opinion between companies."

In cross-examination, the municipal systems' attorney commented: "It seems to me the testimony we have been listening to here...illustrates that they didn't even have time to figure out what the power was going to cost from Maine Yankee or how they were going to transmit it, but the main thing was to get it tied down on some kind of oral commitment, get it announced to the press in order to head off a proposal for a public plant or a public power plan."

In the case of the Maine Power Authority, the companies' strategy worked: the Legislature killed it. The Dickey-Lincoln School project is still



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alive, but only just. No funds for construction have been appropriated. Power lobbyists in New England and in Washington are working hard to get Congress to strike the $800,000 budgeted for planning and development from this year's appropriations.

## Northwest Harmony

When you consider that the country's power needs will increase eightfold by the year 2000, it seems foolish for companies to fight public agencies rather than plan with them to meet the need. To protect against blackouts, as I have said, requires all electrical utilities to by physically tied together. This certainly implies close cooperation between the two forces. One place this does exist is in the Pacific Northwest, where the set-up parallels that in Sweden. This came about through private utility acceptance of some federal *faits accomplis*. First, the Bonneville Dam on the Columbia River was authorized in 1933 as an emergency public works project to ease the unemployment problem in the Northwest. Grand Coulee followed as a wartime need developed. As other dams were built on the river, power companies overcame their reluctance to share in the benefits. They discovered, as private utility customers of TVA had found out earlier, that a large supply of low-cost power leads to increased sales and higher profits. Today in the Columbia basin, the spirit has changed from hostility to cooperation.

The Bonneville Power Administration has built a solid transmission grid linking its projects and the companies. Low industrial rates have attracted many electro-processing industries to the area, and their expansion is causing demand to rise rapidly. The public hydro must now be backed up with more private thermal generation. If it isn't, the area will suffer brownouts early in the 1970's. To avoid this, BPA has worked out a cooperative scheme in which the private companies will build new steam generating plants and the administration will build a stronger backbone transmission system.

The BPA part of the plan requires funding from Congress. The Budget Bureau is willing to go along, but its advisers, mostly from the private power sector, think that the interest rate BPA pays for Treasury funding should be raised from the present 2.5 per cent to about five per cent. This is the likely outcome, with the result that BPA may have to raise rates to its bulk power customers.

The cost of financing has always been a sore point with the private companies. They charge that public agencies can get capital funds at a lower rate of interest than they, putting the public systems in a better competitive position. Sweden, for one, has solved the cost-of-money problem to the satisfaction of its private companies. The State Power Board pays the market rate of interest on construction loans for transmission lines. Private company executives told me they felt the Power Board was competing fairly with them.

Interestingly, in Sweden, rates are "regulated" through this competition, rather than through government regulatory commissions. If public-private competition thrived all over the United States, it might prove a better regulator of rates than the state commissions.

Power companies say they favor state, not federal, regulation—and well they might. Notoriously, state commissions have been in the pockets of the companies they are supposed to regulate. The state agencies normally are staffed by political appointees with no qualifications for judging utility operations and no stomach for challenging highly qualified utility lawyers. The Public Service Commission of New York, called "a fiasco" this year by a bipar-



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tisan study commission of the Legislature, is composed of five politicians of one political party—the Republican. In many states, the regulators get their jobs from politicians who are heavily indebted to the private utilities for campaign contributions. Because it is not intended that they seriously regulate the utilities, commissions usually are given inadequate staffs and operating funds. In their book *Overcharge*, Senator Lee Metcalf (D-Mont.) and Vic Reinemer report that most commissions have to accept the contentions of the utilities on reliability and revenues without question, because they have not the legal, technical, or accounting personnel to check their accuracy.

The better Federal Power Commission chairmen, such as White and Joseph Swidler before him, have recognized the patsy roles played by most state commissions and have tried to assert some influence on the companies from Washington. In general, the FPC has failed in this because it has not had strong backing from the President and Congress. Despite the legality that the FPC is an independent regulatory agency, it can assert itself only when it has the President's political support and it feels that Congress is not trying to thwart its attempt to regulate the industry. Effective regulation is impossible unless the President appoints strong, qualified men to the commission. "Who the President appoints makes a difference," White said. "In part, how well we do depends on the prejudices and instincts of the members of the commission."

Since a reliable power supply is a regional and national problem, the former chairman believes it is unrealistic for companies to think they can stay under the cover of state commissions forever. Supervision by the Federal Power Commission and involvement with the federal government is inevitable. The potential shortages of generation and transmission facilities are so critical, White contends, that the electrical industry will be in Washington within two years "demanding legislation to help them meet their responsibilities."

In other words, reality is going to catch up with philosophy. To avert disaster, the demands of sound engineering will have to override the political recalcitrance of power industry leaders.

In an interview in London, Sir Stanley Brown, head of England's national grid system, pointed out the absurdity of politics controlling engineering:

"The whole of the electrical mesh has got to be under one control. Whether that control is national, whether it is a cooperative, joint ownership or what have you, is completely irrelevant. The technical problem is the same.

"When all's said and done, the transmission lines, the switches, the genera-

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tors, they don't know whether they're publicly owned or privately owned. They are technical apparatus. And providing they're controlled from one point, and properly controlled, it doesn't matter a damn who owns it."

## One System Grids

The one-system principle could be applied in various ways in the United States. In the Southwest, where the federal government already owns much of the heavy regional transmission system, a government corporation could operate the grid, much as Bonneville does.

In other parts of the country, nonprofit corporations, owned jointly by the private companies and the public agencies, could be chartered by Congress to build and operate the regional grids and coordinate the building of new plants within the system. Each corporation could be permitted to issue its own bonds for construction. Or the federal government, under a longterm lending authority, could make construction loans to the corporations at the rate the Treasury has to pay for its longterm financing.

This would get the grids out from under the vagaries of annual federal appropriations. The Bonneville Power Administration finds construction difficult when it has to argue the politics of transmission loans as well as the engineering.

Private executives who favor grid interconnection say one-system operation can be achieved through mergers that put together large regional combinations of companies. They point to the grid that American Electric Power, a large utility holding company, has assembled in the Midwest. That grid, which included the publicly-owned systems in its interconnections, has worked well, from an engineering standpoint. It is pioneering the largest transmission lines in the world.

Joint public-private ownership of the transmission grids is probably the better solution for most of the country, however. Representation of publicly-owned systems on the boards of joint operations adds a public-interest voice that is missing when companies merge into large corporations oriented chiefly to profits. The joint-ownership grid corporations should have the added check of FPC supervision of wholesale rates, standards of reliability, and protection of the environment.

No such regional corporations are proposed in the reliability bills now before Congress, and that is a weakness. Because of the political opposition from the industry, their sponsors are afraid to propose that specific operating agencies be set up to run the grids. To do that would require the companies to give up some of their sovereignty. This makes sense from an engineering standpoint, but is politically difficult.

Ducking the politics, the reliability bills call for coordination by joint planning of all the public and private utilities in a region. Joint planning without an operating agency to carry out the plans will be hard to make work. When the Western Systems Coordinating Council (one of the industry's voluntary groups) sits down to plan, it sits down with representatives from 50 public and private utilities. They don't often all agree.

Nevertheless, the direction of the reliability bills is right. In the current mood of Congress, they probably represent the most progressive bills on electricity that have a chance of getting through.

With regional grids in place across the country, the chances of major cascading failures would be reduced nearly to zero. Without them, the public can expect to be surprised again—and hurt—by a blackout at least as disastrous as the Blackout of '65.■



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by Ariel

# The Stupidity of Intelligence

When all the intelligence information from Vietnam was fed into a computer, the machine calculated that the United States had destroyed all of Vietnam and had won the war two years earlier. The story is apocryphal, but it might well have happened. Certainly the computer could have reached that conclusion on the basis of the claims made by the military about the effects of its bombing of North Vietnam.

As an Air Force officer attached to Tactical Reconnaissance in Vietnam, I saw at first hand the way the military, and especially the Air Force, gathered and reported the results of its bombing of the North. Those reports greatly exaggerated the effects of the bombing, misleading the American public and, to the extent that they took the reports at face value, misleading both military and civilian policymakers. No one, except the North Vietnamese themselves, knows just how much the Air Force's claims differed from reality. Based on what I saw in my little corner of the air war, the actual destruction was often less than half what the Air Force claimed. (Whether the bombing, or indeed the war itself, was justified on military or moral grounds is a question that lies beyond the scope of this article.)

Yet there was no conscious conspiracy to inflate the numbers of trucks and bridges that supposedly had been destroyed by American bombs. No one, at least no one around me, was systematically lying about the bombing. The Air Force had, in its photo intelligence techniques, remarkably accurate methods of measuring bomb destruction. Those techniques were put to full use in Vietnam, and yet the information they revealed was consistently played down in favor of the far less accurate pilots' reports, resulting in a grossly false picture of the military effects of the bombing. The explanation of this paradox lies, I believe, in the organization of the military and of military intelligence.

This was the system as I saw it. Strikes were ordered against targets in the North selected by us in Tactical Reconnaissance, within the limits set in Washington. As soon as they returned, the pilots reported at their debriefing the effects of the bombs they dropped. Very soon after that—sometimes within an hour or two, sometimes the next day—reconnaissance aircraft flew over the sites and photographed them. Those pictures were developed and analyzed by the photo interpreters. Thus two reports of what happened

*Ariel is a pseudonym for an Air Force intelligence officer who was awarded a Bronze Star in Vietnam.*

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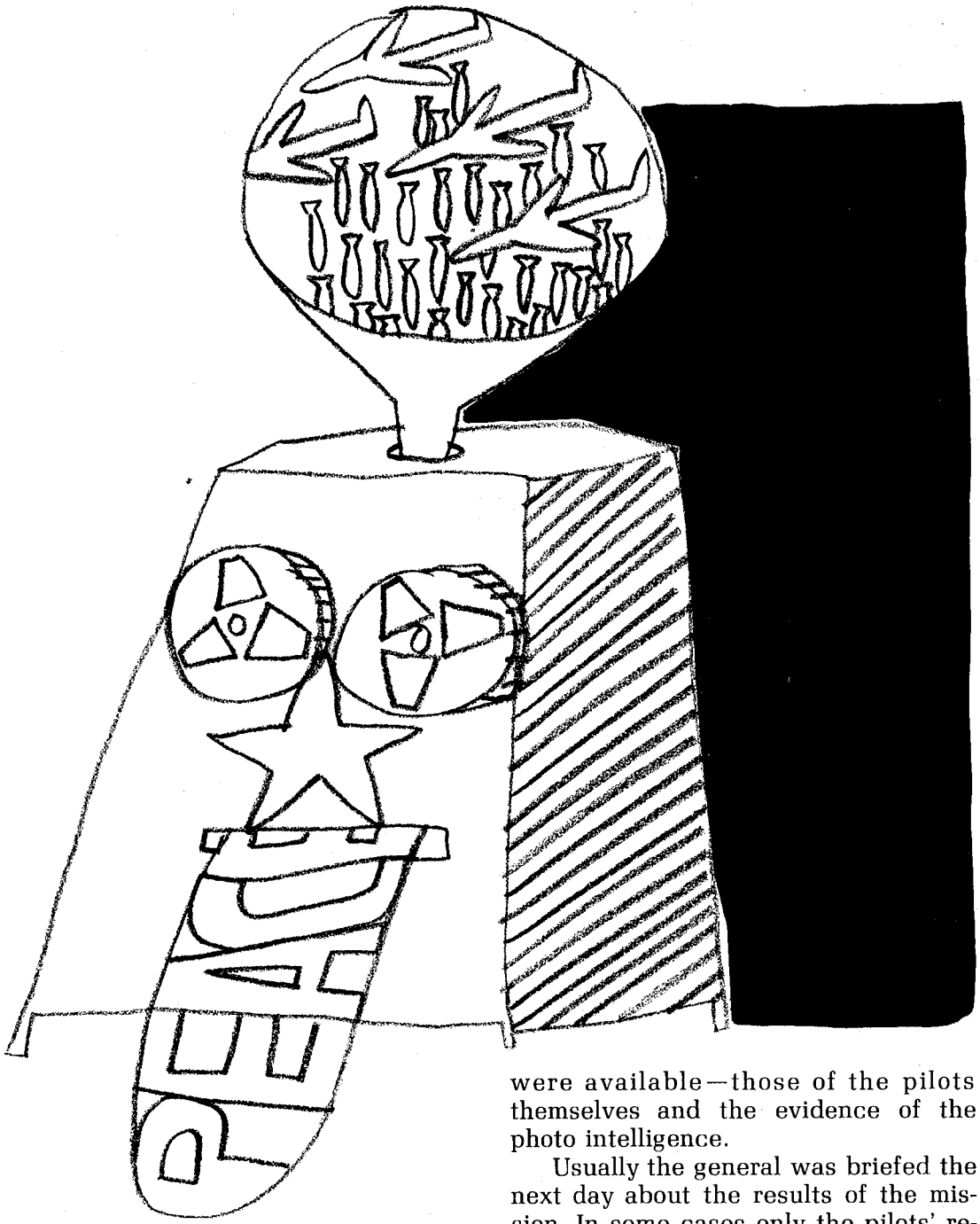

were available—those of the pilots themselves and the evidence of the photo intelligence.

Usually the general was briefed the next day about the results of the mission. In some cases only the pilots' reports were available. But even when photo intelligence was available, most of the attention was fixed on the pilots' reports. This occurred during most of the briefings I knew about, even though the pilots consistently claimed far greater destruction than the more accurate photo-intelligence reports reflected.

Why was there such a discrepancy? Much of it was inevitable. The pilots



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were flying at 600 miles an hour and trying to destroy their targets, while dodging ground fire and SAM missiles and sometimes MIG aircraft. Their job was to drop their bombs and try to get back alive. They hardly had time for a critical look at what their bombs had done, and they would be less than human if they understated the accomplishments of missions in which they had risked their lives and on which their future careers depended.

Duplication was another frequent source of error. Four aircraft, for example, would strike a column of trucks moving along a road in the North. At the debriefing, the first pilot might report that he destroyed three trucks and damaged two more. The second pilot might report four trucks destroyed and three damaged, the third pilot four and four, and the fourth pilot five and four. How many trucks were destroyed and damaged? Simple arithmetic provides a total of 16 destroyed and 13 damaged. That's what the general would be told at the briefing. But experience showed that—whenever the pilots' reports could be checked by photo intelligence—the total usually fell far short of the pilots' reports, because two or more pilots would list the same trucks. Most of the time there was no way to determine the extent of such duplication.

Imagine four pilots sent to "interdict" a rail line.* The first pilot drops his bomb; he and his fellow airmen see the bombs explode on the tracks and they see what appear to be several "secondary" explosions (things which blow up after being hit by a bomb, such as ammunition, oil drums, or vehicles). Back at the debriefing, the pilots all report that the tracks were destroyed, interdicting the line, and that there were several secondary explosions. Later, when the aerial photos are available, the interpreters see a different picture. Nothing in or around the tracks has been destroyed. The secondary explosions turned out to be large piles of loose dirt blown into the air by the bombs and scattered along the tracks, making the line look as if it had been destroyed. In reality, the railroad can be put back into operation with a few shovels.

For the American public, these distortions create two distinct problems. On the one hand, press briefings about the bombing were invariably condensations of the pilots' reports and were rarely corrected by photo intelligence. Sometimes the results of photo intelligence were not made available to the public. When they were, the newspapers usually concentrated on today's bombing results rather than the correction of yesterday's errors. So the public simply did not have access to accurate information about the bombing.

On the other hand, the public often received strangely contradictory stories. One day a target would be reported destroyed and a day or two later we were bombing it again. A typical example was a three-span bridge we bombed three times in six days. The first time we reportedly destroyed two spans, the second time all three spans, and on the third strike two more spans.

I often wondered if anyone would comment on such an astonishing accomplishment as destroying seven spans of a three-span bridge. But no one said a word, much less questioned our claim, and the bridge remained 233 per cent destroyed. That was the case with many other demonstrably unbelievable claims the Air Force was making for the bombing. Everyone in the system who had access to photo intelligence—from our commanding general down to the enlisted men, and from the general up the chain of command to the Pentagon—repeatedly saw evidence that our bomb-

*Details of specific incidents have been changed to avoid violating security regulations.

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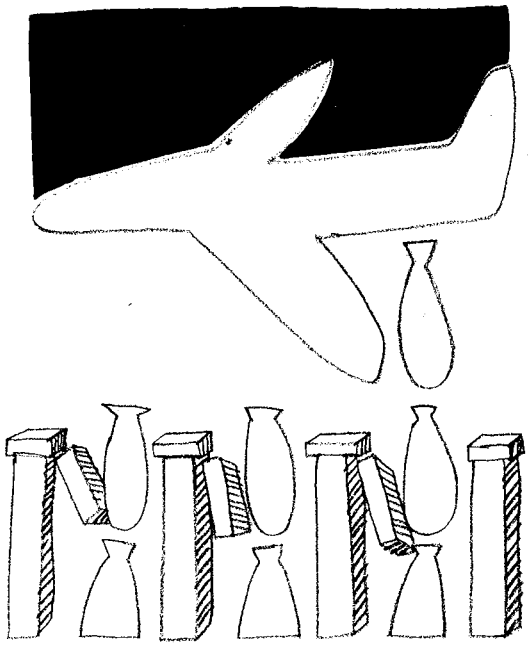
ing reports were at worst false and at best exaggerated. Although a few of us tried to challenge the system, there was no impact on the Air Force's claims. Therefore, those claims, and not what we privately knew to be the truth, became the public record of the bombing of North Vietnam.



There are two major reasons why the system operated as it did: first, intense competition among the services; and second, the system of rewards and punishments inherent in the promotion pattern.

The Air Force exists only to fight in the air or to bomb. The Air Force had to have the bombing of the North—it was the only real Air Force show in the Vietnam war. The career men around me felt keenly that their service was at a disadvantage in the war's inter-service rivalries. The war in the South was an Army and Marine Corps show, with the Air Force supplying important, but little publicized, air support. The Navy had horned in on the air war, and, even if the bombing were to stop, the sailors could always go back to their ships. But for the Air Force, it was bomb—or do nothing. Without the bombing, the Air Force could hope for little publicity and glory—which would mean smaller appropriations and perhaps less attention to Air Force desires. To criticize the bombing claims meant, therefore, to hurt your own organization and to benefit its rivals. Stopping the bombing could be seen as a failure for the Air Force.

Rivalry among these authoritarian systems put great pressure on those within them. On the higher levels, there was frequent sniping between the Air Force and the Navy, with each accusing the other of incompetence in the air war. Another example of this was the military intelligence unit whose commanding officer ordered his men not to exchange information with a nearby unit belonging to another service. Often, also, the Air Force withheld its bombing reports from the Navy.

The promotion system created exceptional pressures for conformity on career officers. Promotion depended heavily on the evaluation report of one's commanding officer; one unfavorable mention in the report could postpone promotion for many years and, perhaps, permanently blight a career. For a colonel a black mark might mean losing his only chance to become a general. So it would have taken a certain amount of courage for the colonel to tell the general that the air strike the general had ordered—and for whose success the colonel felt he would be held responsible—was a failure. (One Air Force general who criticized the bombing was reportedly removed from command and booted upstairs.)

The career officers seemed to fear the role of the messenger who brings bad news. This, of course, is nothing new. At least since Cleopatra, messengers have been punished for bringing news that upset the commanders' preconceptions. Such fears in the Air



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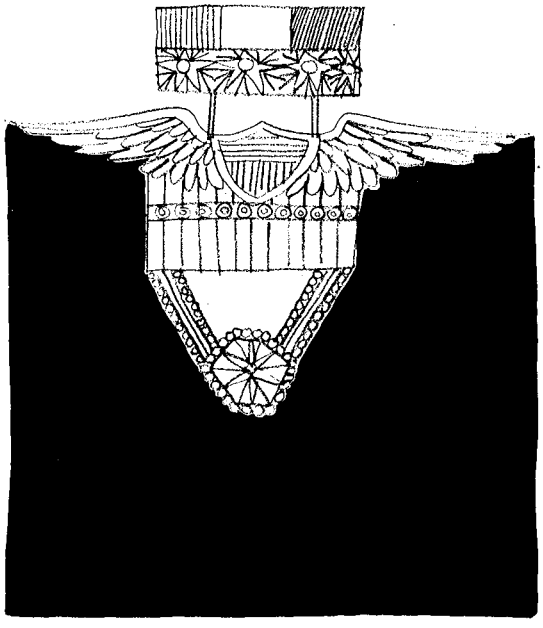
Force may have been unfounded, or at least exaggerated, but they were real in their consequences. Some organizations compensate for the bad messenger by offering incentives for useful criticism. But I doubt if any Air Force officer thought he would score brownie points by devising an intelligence system that would have reported less destruction from the bombing of the North.

This type of system can lead to distortions at all levels. For example, at some point along the chain of command the decision is made to increase the number of targets. By the time the order gets to the working level—that is, to the men who will actually scan the films of the North for possible targets—it has changed from a stated desire to know about more potential targets to a hard-nosed command to nominate "75 targets" within a couple of days. Once when this happened, one of the men told an officer that they had been unable to find anything of military significance, that they only saw a few villages. The officer retorted: "I think you'd better scan the film again for those suspected 'possible military storage areas.'" Although the order was not explicit, the implication was clear: use a euphemism but produce the target. The airmen felt the pressure very strongly. I remember one of them saying that he just didn't know what to do. If he didn't do what the officer wanted, the officer might give him a bad efficiency report and his career would at best be set back and at worst ruined.



When I was in Vietnam, I wondered at times what the policy-makers in Washington believed about our bombing of the North. The Pentagon had access to both the inflated pilots' reports and the much more modest claims of photo intelligence. What did the top military leaders believe, and what kind of evaluation of bombings did they pass on to the civilian leadership? Did the civilian leaders take the Air Force claims at face value, or did they apply some private discount, either because they knew the fallibility of pilot reports or because they had an innate skepticism of any institution's self-evaluation? Were they just allowing the public to be gulled about the effectiveness of the bombing—or were they letting themselves be gulled as well?

The answers to these questions remain shrouded. Recently I had occassion to read through some 475 public statements on the bombing by Lyndon Johnson, Dean Rusk, and Robert McNamara, all made while they were in office. Although these public statements of the leaders of the Johnson Administration, under which the bombing began and ended, do not reveal their private thoughts, they do give us some insight into the level of information the Executive was willing to share with the public. The first impression I got was of the constantly shifting reasons given for the bombing. I counted 30 separate, though often overlapping and even contradictory, justifications for the bombing of the North. They varied from specific military reasons such as to "inhibit, to reduce, to deflect the movement south-

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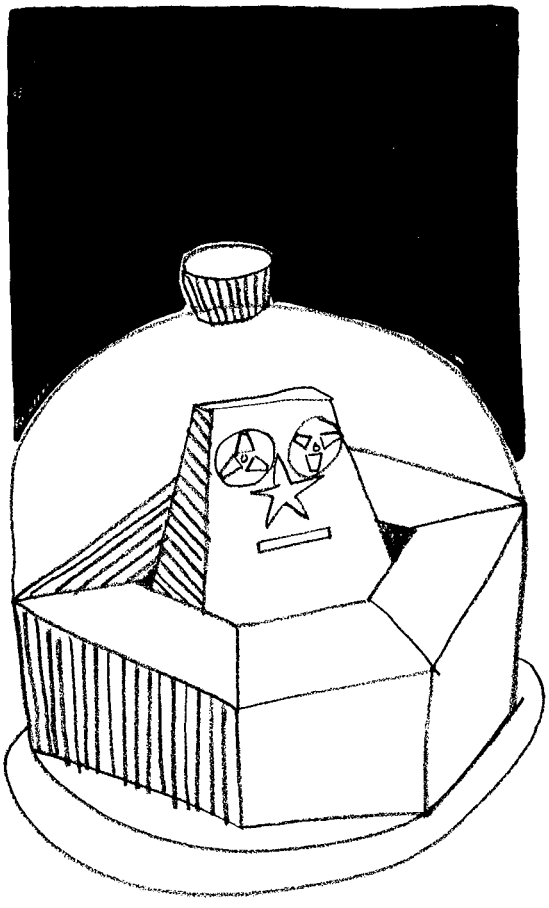
ward of men and materiel" (McNamara, 1965); to highly generalized ones like "we are bombing North Vietnam because it is violating two solemn international agreements" (Johnson, 1967); to a justification which claims that if we were to stop the bombing "what incentive...would [North Vietnam] ever have for making peace?" (Rusk, 1968). What did it mean to talk about the bombing having met all its objectives, as Secretary Rusk did on separate occasions, particularly when he admitted in a hearing before the Senate Foreign Relations Committee in March, 1968, that infiltration had risen from an average of 1,500 per month in 1965 to 5,500-6,000 in 1967? Did Rusk really believe the kinds of publicity that appeared in the newspapers on the success of the air war? He certainly defended the ability of the air war over North Vietnam to accomplish its mission.



By contrast, McNamara showed himself to be skeptical about the bombing in his last year in office. Testifying before Congress in August, 1967, McNamara said that "despite very, very large increases in air strikes, the amount of traffic over the roads has increased, and, as a matter of fact, the whole road network has increased." And then he went on to pull the rug out from under the whole military concept of the bombing of the North: "There are many who believe, and there is much evidence to support the conclusion, that the flow of men and materiel into the South is not determined by the air campaign in the North...in other words, the bottleneck is not on the lines of communication in North Vietnam but is on the lines of communication in South Vietnam."

But at that same hearing, McNamara was repeating some rather unlikely claims. In response to a Senator's question about how many trucks the North Vietnamese had in operation, McNamara said that there were between 10,000 and 12,000 and that "we have reportedly destroyed 4,100 and reportedly damaged 4,000." Based on my experience, it is impossible to believe that the bombing destroyed anywhere near that number of trucks. The Senators quite naturally wanted to know why North Vietnam had, in McNamara's words, more trucks today than when we started the bombing. McNamara had to say the trucks were imported. This led to additional Congressional pressure for bombing the ports and changing the political character of the war—a consequence of the original false claims.

In this case, the wrong policy decision (the bombing of the ports) was not made. But such wrong decisions are continuing hazards as long as the Pentagon's civilian leadership, the Congress, and the public rely on the military's self-serving intelligence system.■



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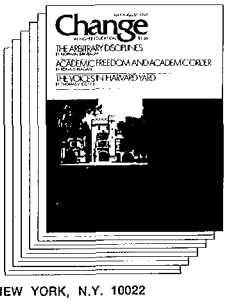



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# Enter: The 360. From Polaroid.

## The electronic flash boop-boops.

### This remarkable all-electronic camera even sounds off the instant your picture is ready, to make sure it's perfectly developed.

You slide the electronic flash unit into place with a satisfying click, and flip on a tiny switch.

Instantly, the signal light and a rising sound tell you the flash is building energy. A light starts flashing, and the sound switches to a *boop...boop...*

You are now ready to shoot up to 40 flash pictures, without stopping to put in a flashbulb.

As you focus, louvers in the flash unit automatically adjust to deliver the exact amount of light you need. You depress the shutter and zoing! the strobe releases a 1/1000th of a second burst of light, fast enough to freeze a juggling act or capture the wildest dancer at the party.

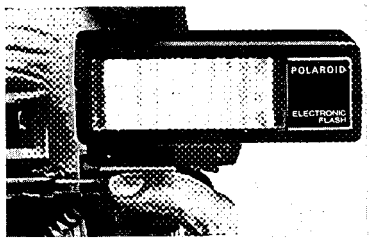
You pull the film packet out of the camera. Automatically, an electronic timer is activated and the timer light goes on. The instant the print is perfectly developed, the light goes out and the timer goes *beeeeeep*.

Now: peel off your picture. Perfectly exposed. Perfectly developed. And all you did was aim and shoot!

Keep shooting. After you've taken 5 film packs (40 shots), you place the electronic strobe in its charger unit and plug it into the wall. It recharges itself automatically.

Sound sort of James Bond? The 360 is no fantasy. It's real and it's here, to give you more excitement than you ever imagined you could get from picture-taking.

You'll take wonderfully spontaneous pictures. No more albums full of wooden friends and relatives. You'll never have to ask your subjects to pose. The film is exposed only for that millisecond of light. If your




**As you focus, louvers adjust automatically to insure correct light intensity.**

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# The electronic timer beeeeeeps.

hand jiggles, you don't have to worry. The pictures are always razor sharp.

You'll never have to use another flashbulb (so you'll never run out of them!). Let's say you're having a party. You take 40 pictures. One last shot? Plug in for 15 minutes and you can shoot another pack.

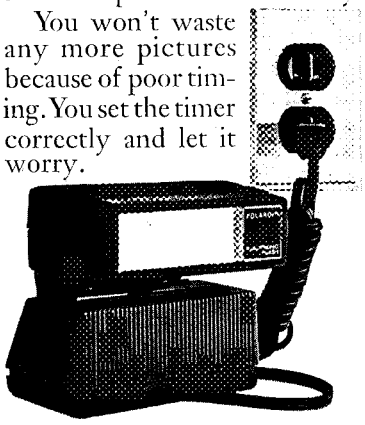
**1/1000th of a second exposure makes possible spontaneous flash pictures.**

Plug it in for an hour, it's recharged. When you're not using it, just keep the flash unit plugged in, like your electric toothbrush.

Best of all, The 360 gives you the freedom to shoot when the moment is right.

You'll get perfectly exposed shots, indoors or out. This remarkable strobe light is particularly kind to flesh tones. Outdoors, the sophisticated electric eye and electronic shutter system will read the light and set the exposure automatically.

You won't waste any more pictures because of poor timing. You set the timer correctly and let it worry.

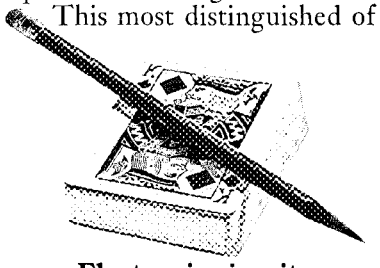


**No flashbulbs ever. Electronic flash shoots up to 40 pictures, recharges on house current.**

One fascinating feature will give you an inkling of the ingenuity that went into this camera. In the timer, the shutter and the flash unit are circuits containing transistors, resistors, and other electronic components. Each would normally fill a space as large as a deck of cards. In The 360, they have been reduced to tiny chips of plastic-covered silicon less than 1/32 of an inch square, about the width of a pencil point.

This Polaroid Land camera has a Zeiss Ikon range- and viewfinder. Triplet lens. Four film-speed settings. Two exposure ranges for color, two for black-and-white. It can take Polaroid camera attachments for close-ups and portraits. It has a tripod socket. And instant pack-film loading.

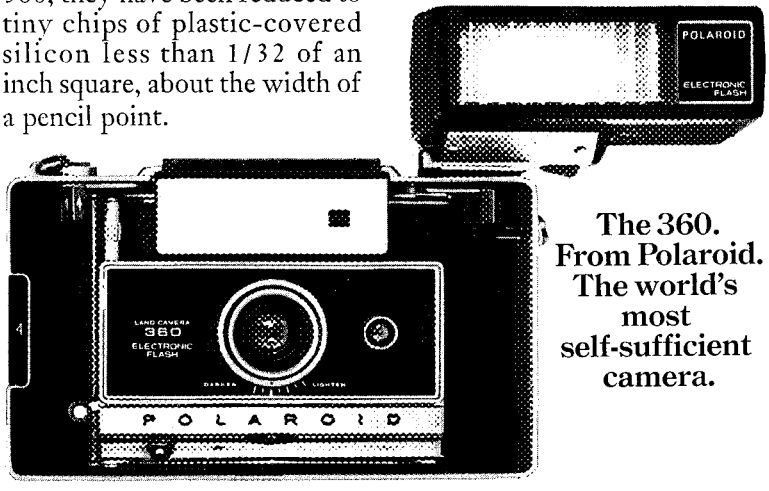
This most distinguished of



**Electronic circuits reduced from the size of a pack of cards to the size of a pencil point.**

the Countdown Cameras, the finest camera that Polaroid has ever produced, is in the stores now.

See it and hear it.




**The 360. From Polaroid. The world's most self-sufficient camera.**

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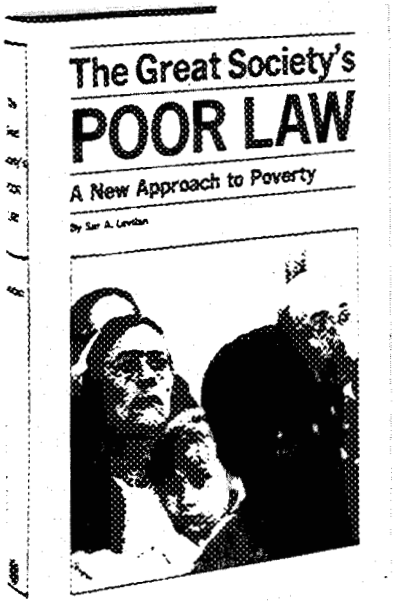


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# The Impotent School Board

by Robert Bendiner

Of all the agencies devised by Americans to guide their public affairs, few are as vague in function as the school board and few take office in an atmosphere of such resounding indifference. Yet, ironically, probably no other unit of government is capable of stirring community passions to so fine a froth.

This strange effect, often disproportionate to the board's actual impact on events, is at least partly explained by its unique role in the processes of government. For the school board is really neither legislative nor administrative in function, and only in the most limited way, judicial. Almost entirely outside these normal categories, it has homier and less precise functions not usually found in civics textbooks at all: it is local philosopher, it is watchdog, and it is whipping boy.

For at least a century before the current educational revolution began, American school boards led reasonably tranquil official lives, addressing themselves for the most part to such matters as building plans, voucher-signing, plumbing repairs, and the eternal raising of funds. But they left educational policy and the day-to-day operation of the schools to the superintendent—no self-respecting superintendent would have had it otherwise. More important, the boards generally managed to keep their commitments within the bounds of their resources.

The urban or suburban school board of today, by contrast, must frequently commit itself to actions that it may not be able to carry out, that cost money it does not have and may not be able to raise. It has been pushed into that most hopeless of all positions for a unit of government—an incongruity between responsibility and power. From the consequent strife on several fronts—equality of opportunity, finances, and the new militancy of teachers—the question that inevitably arises is whether the local American school board, at least in its present form, can—or should—survive.

It is the last of these that I would deal with here. For within the past decade the long and genteel tradition of the school board has been most drastically shaken up by the swift development of collective bargaining and the introduction of the omnibus contract. It is common now for a board to be engaged for months in haggling with canny negotiators brought in from distant headquarters of the National Education Association or the American Federation of Teachers. And it must not only pass on such large issues as salary schedules and grievance machinery, but in many cases negotiate the minutest aspects of the school day. (Will all teachers be exempt from lunchtime cafeteria duty? Will the school system reimburse teachers for dentures lost in line of duty? etc.)

The result, often enough, is that a board finds itself desperately trying with one hand to resolve conflicting interests in the community—in the matter of racial balance, for example—while trying with the other to satisfy its faculty on a proposed contract running to several hundred items. And failure to satisfy the teachers on some of these points may mean an occurrence unimagined until this decade: a protracted teachers' strike, complete with shouting pickets, court orders and counter-orders.

So fast and feverish has been the trend

*Robert Bendiner is a member of the editorial board of The New York Times. This article is adapted from* The Politics of Schools: A Crisis in Self-Government, *to be published in October by Harper & Row, Inc.* *Copyright © 1969 by Robert Bendiner*

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toward teacher militancy that it is hard to appreciate how fresh a phenomenon it really is. As recently as 1961 the National Education Association took the restrained view that: "The seeking of consensus and mutual agreement on a professional basis should preclude the arbitrary exercise of unilateral authority by boards of education and the use of the strike by teachers as a means for enforcing economic demands." And the American Federation of Teachers, whose affiliates were and are essentially trade unions, was hardly more militant than the NEA, which prided itself on being a professional rather than a labor organization.

Since then all such academic inhibitions have gone up in the smoke of battle. Two teachers' strikes occurred in 1965, sending shock waves through the fraternity. In 1966, there were 33. In 1967, the lid blew off, with more than 80. In the spring of 1968, when most eyes focused on Morningside Heights, 30,000 teachers throughout Florida participated in a "mass resignation," described by Dr. Sam M. Lambert, executive secretary of the NEA, as "one of the biggest show-and-tell demonstrations in the history of education." The AFT's chief contribution to teacher militancy that spring was a two-week strike by the Pittsburgh Federation of Teachers to back demands for a collective-bargaining election.

By last fall the teacher rebellion had reached the point where 170,000 men and women—ten per cent of the nation's teaching force—were on the picket line when schools reopened after the summer vacation. Although strikes of varying duration punctuated the fall season, all of them paled beside the three mammoth strikes called by New York's United Federation of Teachers, which kept some 50,000 teachers and a million pupils out of classes for 36 of the first 48 school days of the term.

It is not a simple matter to explain this sudden turn to aggressive trade-union tactics by people whose professional association had once stated:

> The teacher's situation is completely unlike that of an industrial employee. A board of education is not a private employer, and a teacher is not a private employee. Both are public servants.

There had to be reasons for the shift. In any case of labor unrest, the source of trouble is reasonably certain to be insufficient money or dissatisfaction in the work, or both, the two factors often operating in a somewhat reciprocal fashion. Teachers used to be satisfied with low pay, or at least they were not acutely dissatisfied with it. They either shared a general view of their inadequacy that amounted almost to a national tradition, or they gained enough personal reward from their efforts to compensate for their marginal salaries. But society changes for teachers, as it does for the rest of us. A married man working in a Manhattan school in 1969 cannot be expected to have the same view of the world (and his place in it) as that of an Iowa schoolmarm of the 19th century. His school is not the intimate, personal haven that gave her a feeling of warmth and a sense of belonging. On the contrary, it is huge, mechanically administered, organized from the top down, and usually distant from his own community.

At the same time that the modern teacher's alienation grows in intensity, the demands on him grow likewise. He is expected to make up in the classroom for all the tragically damaging elements in his students' environment: bad housing, undernourishment, lack of stimulation at home, and self-images warped by the gross injustices of society. In the core cities, moreover, he is likely to face disciplinary problems undreamed of 20 years ago.

Academically, he must be far better prepared than his early predecessors, not only because subject matter is vastly more comprehensive, but be-

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cause longer preparation for a teaching career is a condition of his hiring. The typical classroom teacher today has nearly five years of education beyond the high-school diploma, where, not so long ago, two years of normal school sufficed.

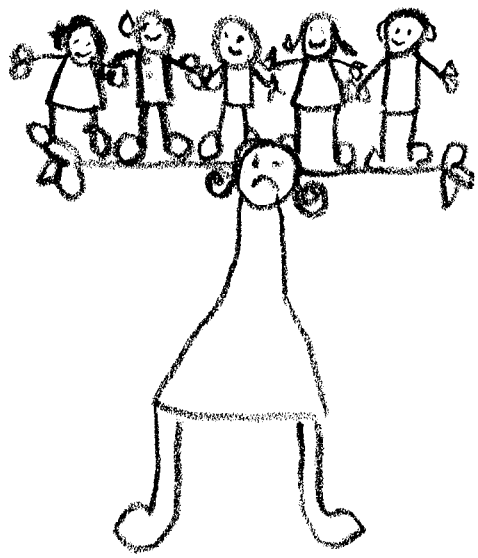
True, the training of teachers is less demanding than that of other professionals, and education majors are generally rated low in academic proficiency among undergraduate groups. Yet there can be no doubt that by skill and preparation a teacher deserves better treatment than he gets from a society that more than adequately rewards its football players, television repairmen, and swimming-pool salesmen.

Teachers' salaries have gone up every year in the past decade—61.6 per cent from the school year 1957-58 in dollars, 38 per cent in purchasing power, based on the Consumer Price Index. In 1957-58, 59.1 per cent of classroom teachers were getting less than $4,500 a year; today no more than 2.3 per cent are below that level, and about 21 per cent are making more than $8,500.

Even so, neither of the great teacher organizations is prepared to concede that the upward movement has more than gotten up a head of steam. A probable factor in the growing militancy is the increase in the number of men teachers, whose financial needs are likely, sooner or later, to be greater than those of women (and whose urge to act on those needs is correspondingly sharper). While the number of women teachers increased by 38.4 per cent in the past decade, the number of men went up 75.9 per cent. And many of them, especially the younger ones, are fresh from campuses where revolt is fast becoming an academic way of life.

It is unlikely, however, that teacher militancy would have come to much if New York City's United Federation of Teachers, a local affiliate of the AFT, had not demonstrated that teachers *could* strike, whether or not the law prohibited such action, and that it could win its demands in precisely the same way that similar demands are won by coal miners, teamsters, packing-house workers, and newspaper reporters.

In 1960, the Federation, just formed out of a merger between the New York Teachers Guild and the High School Teachers Association, revealed the vacillation of the city's Board of Education and the corresponding effectiveness of a walkout. The issue was over





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the principle of collective bargaining and the Federation's demand for an election to determine the choice of a bargaining agent. The Board readily assented, but the union, charging undue delay, exhibited its youthful muscle by calling for a one-day work stoppage. Less than 5,000 of the city's 37,000 teachers responded, but when the Board yielded without a hint of disciplinary action the shape of things to come was clearly discernible.

In the ensuing election, the UFT made a showing of some 20,000 supporters, which was about four times the number of its dues-paying members. When bargaining negotiations broke down in the spring of 1962, the UFT was ready for action. Here was no "professional holiday," or "withdrawal of services," but a full-fledged strike by 20,000 teachers. By the end of the first day, both the Mayor and the Governor felt compelled to bring about an agreement on salaries, though the full terms of the contract were to require many more weeks of detailed negotiation.

The New York success had an electric effect on teachers throughout the country—in the NEA as well as the AFT. Both organizations hastened toward militant action, and competition between them, the need to outdo each other in the gains promised to teachers, has since become a prime source of difficulty for school boards.

In 1967, the NEA sharply revised its stand on the strike as a weapon for teachers. At its convention that year it sounded this trumpet call: "The NEA recognizes that under conditions of severe stress, causing deterioration of the educational program, and when good-faith attempts at resolution have been rejected, strikes have occurred and may occur in the future. In such instances the NEA will offer all of the services at its command to the affiliate concerned to help resolve the impasse." If the statement fell short of trade-union purity, it was still a far cry from that "seeking of consensus and mutual agreement on a professional basis" which had formerly been the Association's closest approach to class warfare. By 1968, it is worth noting, a poll showed that the percentage of public-school teachers endorsing recourse to the strike rose to 68.2, up 15 percentage points from 1965.

The result is that the atmosphere surrounding public education is undergoing a marked and acrid change. Without desiring it or expecting it, the school board finds itself in an adversary position. The "old buddy" atmosphere that once characterized a board's relationship with employee groups has largely given way to a wary suspiciousness. One superintendent, Dr. John Blackhall Smith, of Birmingham, Michigan, provides this glimpse of that atmosphere:

> The docile, timid teachers' committee of three years ago has been replaced by a knowledgeable, hungry negotiation team, extremely well-trained, and headed by an aggressive, well-rehearsed, full-time executive of the local Association or Federation.
>
> Boards of Education find themselves unprepared, uncertain, disorganized, unorganized, and badgered from all sides with suggestions, directions, and ample criticism. In the middle of it is the superintendent of schools who finds himself not only thrust into a role demanding great skill and training, but divorced from contacts and associations with his teaching staff and, in some instances, even with his administrators.

Dr. Smith's description goes to the heart of the board's plight. Teacher organizations have at their disposal all the data and all the sophisticated equipment that their national organizations can buy. And anyone who doubts the

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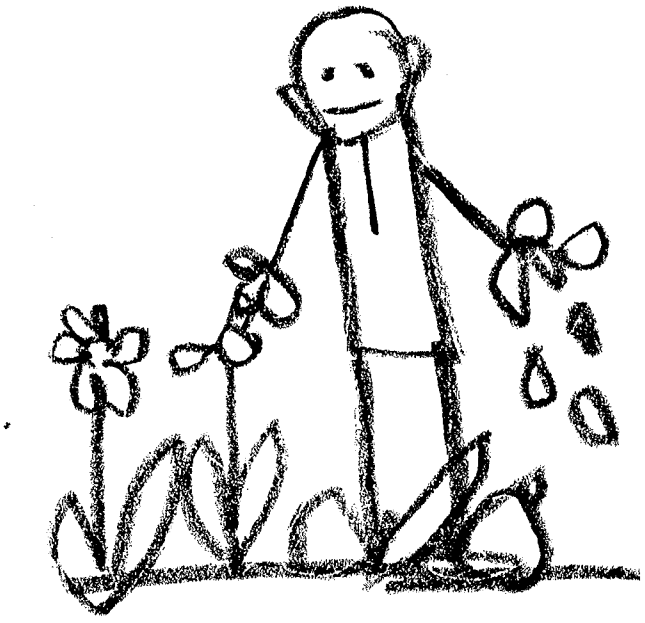

scope of the NEA's operations in this respect need only visit the elaborate Washington headquarters of this "largest professional organization in the world," with its proliferation of 35 departments, 17 divisions, and 25 commissions and committees—all supported by some ten million members (dues are $15 a year), not to mention the income from publication sales and membership in the various specialized departments.

In contrast to this mammoth output of data and assistance, the individual school board relies largely on its local sources of information and the meager help it may get from its own National School Boards Association. This loose and sparsely financed federation of state boards is primarily a lobbying organization; it is in no position to give a board in trouble the kind of support that a local teachers' association can count on from its parent organizations, both state and national. Beyond these sources, the board must rely on information put out by those same teacher organizations with which they find themselves embroiled.

The hapless members of a school board, moreover, are by no means free to sit at the bargaining table all hours of the day and night. Engaged full-time in earning a living or raising their families, they cannot devote themselves exclusively to negotiations until fatigue sets in or a settlement is reached. And most trying of all their difficulties, rarely has experience equipped them for the subtleties and "gamesmanship" of collective bargaining. Unfamiliar with the jargon and strategems of the game, they often misread the signs of their opponents, mistaking a "maybe" for a "no" and a "no" for a "never." As Dr. Wesley Wildman of the University of Chicago remarked, it is a field in which "the curse of amateurism is rampant."

To be sure, the bargaining power is not entirely on one side; if it were, there could be no negotiations at all. Teachers in many districts, especially those far removed from the big cities, still regard the strike as unprofessional, illegal, or both, and this feeling may be turned to a board's advantage. Then, too, boards are coming to recognize that bargaining



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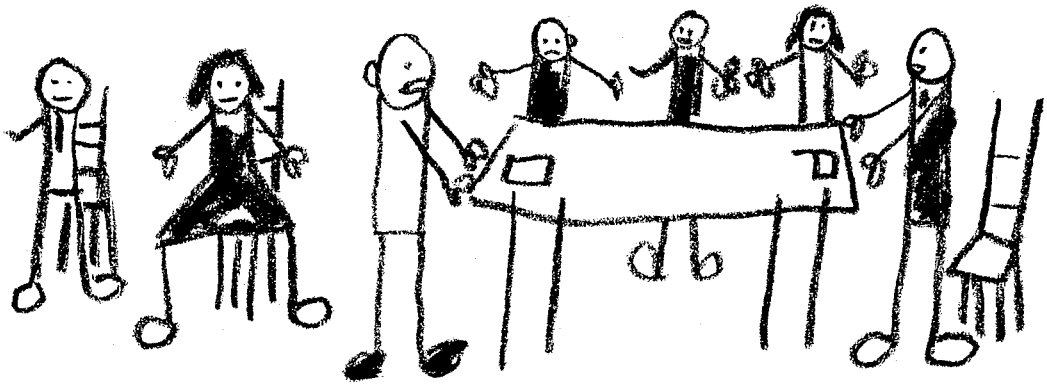
may not be their forte; they are relying more and more on hired negotiators whose skills match those of the teachers' hired professionals.

Yet there is little doubt that the balance is swinging sharply in the teachers' direction or that it might have done so much sooner if the teachers had perceived—and chosen to make use of—their natural strength. For the simple fact is that a school board faced with a strike has nothing of comparable strength with which to counter it. And what sometimes makes a board's position completely impossible is that it may be just as powerless to satisfy the teachers' demands as it is to oppose their ultimate sanction.

Even when a board technically has the resources to pay teachers what they ask (or to reach a reasonable compromise of those demands), it may feel that it ought not to do so at the expense of other claims on its funds—such as introducing foreign languages in the elementary grades, expanding the remedial reading program, hiring additional personnel, giving closed-circuit television a tryout, or perhaps revising the curriculum to give a more profound view of Negro contributions to American society. The Board may be right or wrong in its choice of expenditures, but the choice is legally the boards' to make, and it cannot surrender it for the sake of good labor relations without abandoning its plain obligation. To all of which the teachers put forth the plausible counter-argument: if they are entitled to more money, they should not be asked to forego a raise in pay in order to subsidize other improvements that the community is unwilling to pay for.

While some nostalgically inclined boards may long for the days before teachers had to be dealt with as a highly organized and hard-headed group, no one expects those days to return. But mere acceptance of collective bargaining as fact of life is not enough. When a school board decides that negotiating with teachers is henceforth to be a regular and major part of its job, it may draw a deep breath, as one does upon making a decision long resisted. But the breath should not be too deep, for the board will soon discover that its troubles have only begun.



## At The Bargaining Table

Two stark truths confront a school board at the outset of its relationship with a teachers' organization:

• Public-school teachers enjoy a natural monopoly; as a body, they cannot be replaced. Thus they are assured forgiveness even when the tactics they resort to are illegal or crippling.

• As individuals, teachers are usually secure in their jobs by virtue of tenure. Therefore, if a board yields to teacher demands for the power to make

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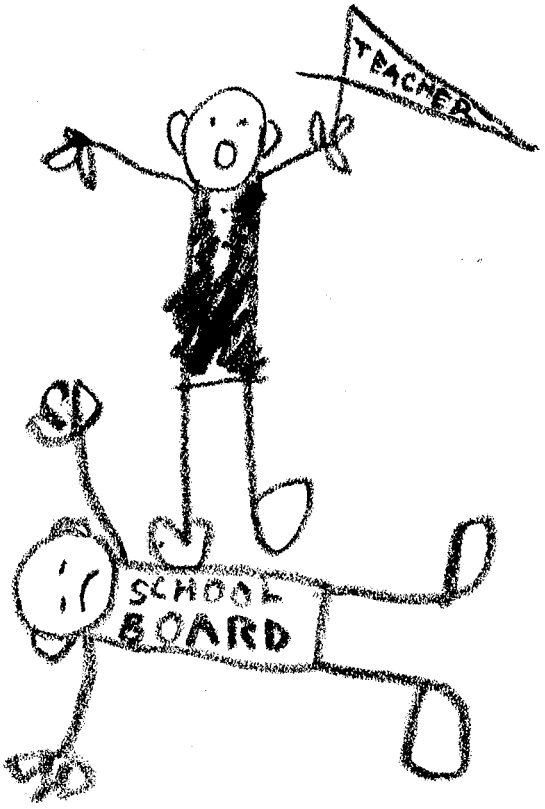


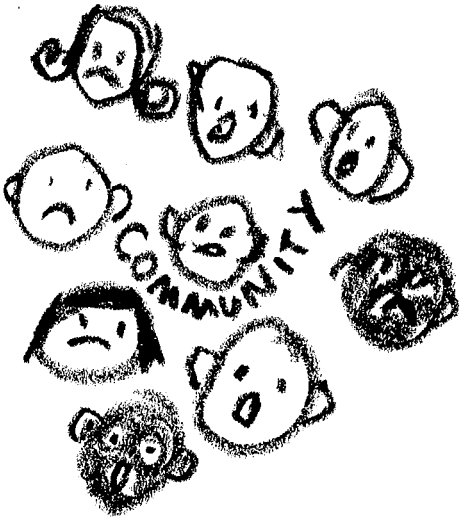


policy, the teachers can exercise that power without assuming any of the board's accountability to the public.

Although these facts and the implications that flow from them clearly diminish a school board's bargaining power, a community's educational policy is still the responsibility of the board; indeed, it is a principal reason for its existence. The extent to which, for better or worse, that policy is modified or changed as part of the bargaining process is the extent to which the already diminished authority of the board is further eroded.

It is also apparent that the leaders of the two main teachers' organizations—the NEA and the AFT—have just this erosion in mind and that they consider it a fair subject at the bargaining table. In her inaugural speech, Mrs. Koontz stated the case bluntly: "In policy determination and in shaping the educational institutions, professional negotiation is not a luxury, it is a necessity." Teachers, she said, would no longer allow "decisions on educational issues, philosophy, and principles" to be made unilaterally by "self-styled experts and well-intentioned and oft-times uninformed persons who are far removed from the realities of the schoolroom"—whether or not, it would seem, such persons were entrusted with that function by law.

The AFT's position has become equally sweeping, although, in the trade-union tradition, it concerns itself more with bread-and-butter issues than with educational theory. When I asked President David Selden where he would draw the line between what was negotiable and what was not, his answer was blunt and uncomplicated: "There is no line. Anything the two parties can agree on is negotiable."

That position might sound reasonable if it were not for the hard fact that a board, pressed by a hundred demands and the threat of a strike, might well agree to negotiate on matters that ought not be negotiated, in exchange for concessions in matters that should.

Boards do not as a rule balk at negotiating procedural issues that go beyond salaries and hours, so long as they



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clearly bear on a teacher's working conditions. They have yielded, for example, on such minor demands as a "mumps clause" (teachers who catch the mumps, measles, or chicken pox from their students will have only half of the school time they miss charged against their sick leave); twice-a-day coffee breaks; reserved parking space; and even a warning sign ("beep-beep") to notify teachers when their classrooms are about to be monitored from the principal's office.

But many board members find it an altogether different matter, and a violation of conscience, to yield to demands that teachers be allowed to elect their principals, or that they be given the decisive voice in curriculum or textbook selection, or in the recruitment, assignment, and disciplining of their colleagues.

A good case can be made that teachers, as professional educators, should have some voice in these matters. But should that voice be that of teachers as individual professionals, or of teachers as a trade union represented by an agent sent out from headquarters? Should the voice be advisory, or should it come in the form of demands? And if presented as demands, should they be argued and settled on their merits or put forward as chips on the bargaining table, possibly to be withdrawn in exchange for higher salaries, shorter hours, or improved fringe benefits?

One authority on the subject, Dr. Myron Lieberman, Director of Educational Research and Development at Rhode Island College and an authority on the subject, objects to teacher participation in policy-making primarily because the tenure they have insisted upon serves to exempt them from responsibility to the public. "If teachers want to be equal partners in formulating educational policy, then they should give up any right to teacher tenure... because in a democratic society we ought to have the right to change our policy-makers."

The profession, however, shows no intention of pursuing this line of thought. Indeed, the NEA president's comment on the subject at last year's convention tended strongly in the other direction. "We must have a secure profession," Mrs. Koontz exhorted her colleagues. "Tenure laws must be developed in every state and strengthened to cope with change. Such tenure laws should be proposed or enacted in every state by 1970."

Beyond the demands of militant teachers, the school board, faced with a population explosion, a cultural explosion, and a racial explosion, all combining to send costs skyrocketing, finds itself still trying to meet those costs largely out of local property taxes, a fast fading source of revenue. From all of which it may well appear to the reader that there is little reason for the local school board to continue at all but for the fact that no good alternative is in sight. This would be a discouraging conclusion indeed, but happily one that is hardly justified.

An alternative *is* emerging—slowly, with variations and difficulty, but with promise, too, because it corresponds in school government to the evolutionary change that is even more slowly and painfully emerging on the political front. I refer to that still groping movement in the country's great metropolitan areas toward some sort of internal cooperation—between suburb and suburb, between city and county, between city and suburb—a cooperation ranging from the loosest agreements on specific matters all the way to consolidation, federation, and metropolitan area government, that new political entity that has been cropping up here and there under the name of Metro.



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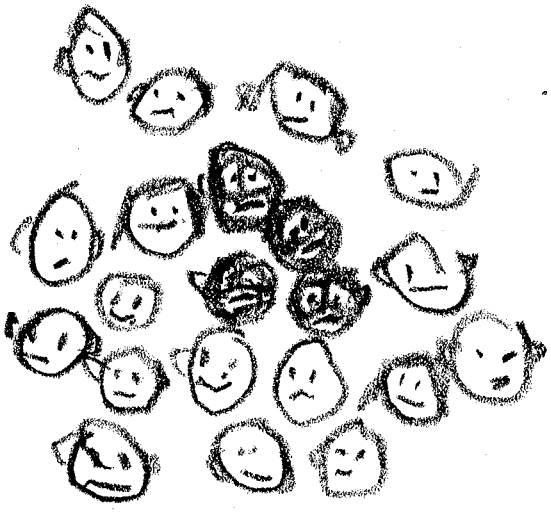

Giving an air of inevitability to the development in one form or another is the stark fact, becoming starker daily, that without it government will ultimately be impossible in the urban complexes where 70 per cent of the American people already live. The Advisory Commission on Inter-Governmental Relations observed, as early as 1961, this consequence of the trek to the suburbs: "The resultant congestion and sprawl of the urban population and the interdependence of communities within the metropolitan areas have made it increasingly difficult for local governments to deal with many functions on less than an area-wide basis." The functions that might be metropolitan would vary from place to place, the commission reported, but "a concern for equality of educational opportunity and the most efficient planning for the provision of educational services (is) a major motivating force" in the trend. A succeeding commission, made up of high officials from all three levels of government, subsequently urged that school taxation in metropolitan areas be assessed regionally and that school-financing districts spanning city and suburb be promoted by state and federal action.

It takes no stretch of the imagination to see how such a uniform regional tax—the revenue from which would be distributed with full allowance for special needs—would go far to solve the problems of Buffalo and Baltimore, of Boston, Chicago, and Philadelphia. For everywhere the picture is the same, with the metropolitan area constituting, in Robert J. Havighurst's phrase, "a middle-class suburban doughnut surrounding a central city slum ghetto." Referring specifically to Boston, Peter Schrag has written, "There will be no genuine public education in the city if suburban populations remain perpetually exempt from the obligation to support it."

Not least among the virtues of a metropolitan area school system—before we come to its difficulties—is the comparative freedom it would provide from those extreme local pressures and inhibitions which are to be distinguished from the perfectly legitimate pressures that are part of the democratic process. Here the essence of the matter is contained in Madison's famous dictum: "Extend the sphere, and you take in a greater variety of parties and interests," thereby reducing the dangers of factional control, whether by a militant minority or an insensitive majority.

In a small district, the pressure from parents and less altruistically interested parties may operate to keep a school system tied up in a provincial straitjacket. Complaints about sex education, particular approaches to reading, or the morality of books assigned in literature courses—all affect local school policy without necessarily reflecting in the least the sentiment of people even ten miles down the road.

Myron Lieberman stated the proposition boldly in arguing that it is not the professionals who are responsible for introducing trivia into the curricu-



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lum, as some of their critics contend: "No diagnosis could be more stupid. Subjects which have no real content or professional justification do not get included because school personnel *ignore* public opinion, but because they *follow* public opinion. The criticism that school administrators try to engineer public opinion to put over their own curriculum ideas is absurd; this is precisely what they ought to be doing, and are not." He saw academic freedom assured only in that largest of all districts—the entire nation.

The idea that a federal system, subject at any time to the intervention of remote officials, not to mention Congressional committees, would be totally free of pressure seems naive, but Lieberman's point concerning provincial tyrannies is surely well taken, especially in the light of his further observation:

"It is a striking fact that in England, which has a national system of education, teachers are opposed to local control precisely because they fear that such control would undermine academic freedom. Meanwhile, teachers in the United States continue to act as if local control must be maintained inviolate lest academic freedom (which they do not possess) be imperiled."

Not least among the pressure groups with which local boards are often unable to cope, although on a different level entirely, are, of course, the teachers themselves. Would a metropolitan area board do better on this score than a dozen contiguous but wholly separate districts? From the experience we have to go on, it would certainly seem so.

With the scope of influence greatly extended on both sides of the bargaining table and the stakes greatly increased, it is likely, to begin with, that professionals would take over on both sides. The teachers, moreover, would not be able to whipsaw one little district against another in an endless game of raising the ante—while the board, for its part, would presumably feel the weight of negotiating not for a restricted locality but for a major area. Bigness has its drawbacks, but the experience of industry suggests that in labor relations bigness may also be a factor for stability (although too cozy a working relationship between giants could admittedly lead to stagnation).

Finally, teachers are likely to be pleased in the long run by the steady rise in standards that a financially more secure metropolitan arrangement can assure. And boards, in turn, should feel a bit safer for the reduced mobility of teachers no longer free to move to an adjoining district half a mile away if they are less than completely satisfied.

What possible drawbacks can there be to a school system which could deal far more effectively than the present localism with the requirements of integration, collective bargaining, academic freedom, and the adequate and equitable financing of public education? First, there is the admitted difficulty of making itself acceptable to those who don't want their taxes to help pay for the education of other people's children. That is a question of tactics, which will be considered presently. Substantively, the Metro idea is charged with one major sin: it is big, and therefore presumably bureaucratic and remote from the people.

At a time when "community control" is the cry in the cities and hardly an urban politician runs for office without paying lip service to decentralization in some form or another, why invite the dangers of an even larger district than the city? How can the small be protected within the large? How can localism be retained within metropolitanism? For a view of that art in practice, one can turn only to the city of Toronto and its environs, where the emphasis is not so much on bigness and supergovernment as it is on the warmer and more attractive concept of federation.

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# The Toronto Story

For 15 years a great urban complex in Canada has been experimenting with, and constantly improving, a system of urban government that political scientists in the United States have only talked wishfully about, as though it were a utopian scheme suitable for pleasant speculation. I refer to the Municipality of Metropolitan Toronto, a political entity covering 240 square miles and embracing, besides the city itself, the five boroughs of North York, Scarboro, Etobicoke, York, and East York.

How Metro came into being may be sketched briefly. In the decade that followed World War II, the Toronto area jumped in population from 942,762 to roughly 1,300,000, an increase of some 38 per cent. But while the city proper gained fewer than 200 souls in that time, the suburbs rocketed up by 137 per cent. The impact of this explosive growth staggered the independent municipalities that ringed the city. Most of them were financially unable to maintain anything like adequate municipal standards, and all of them suffered acutely for lack of unified services. Within the single county that contained them there were no fewer than 113 administrative bodies and 30 separate transportation lines. Every suburban police force had its own short-wave length, so that a general alarm from Toronto had to be telephoned to each local police department, which in turn sent out a warning to its own cruiser cars. Water supply was so meager in North York that thickly settled areas were obliged to use septic tanks intended for rural areas, and the inadequacy of sewage disposal in general had already polluted two rivers and the shorefront of Lake Ontario.

As the crisis deepened, the Ontario government warned that unless some form of cooperative government were developed between city and suburbs, the province would step in and do it for them. After much wrangling, once so bitter that Toronto threatened to cut off a suburb's water supply if it did not take back its slurs on the city, the Provincial government acted. The Ontario parliament passed Bill 80, which has served since 1954 as the charter for the Metro system.

Under the new arrangement, each of the quarreling communities retained its local government and continued to guard its identity as jealously as a Georgian defending states' rights. But Metro taxes, based on property assessments made uniform for the entire area, were paid to the new unit of government, which in turn took over area-wide municipal services—transit, water supply, sewage disposal, some roads, and at least the capital financing and location of new schools.

Since then, finding more advantage in the arrangement than it had evidently expected, Ontario authorities and legislators have considerably extended Metro's hand in the operation of the schools. Yet the control is not that of a remote centralized bureau, autocratic in its decisions. Rather, the system is one of autonomy within a federation, with well-defined limitations on each.

Avoiding both the extremes of centralization and decentralization, the school system is a two-tiered arrangement in the sense that all members of the Metro school board serve on two levels. Each of the six local boards sends its chairman plus, in the case of Etobicoke and Scarboro, one additional trustee appointed by his fellows. Two such additional trustees are allowed from North York, in proportion to its population, and five from Toronto. Three members representing the sep-



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arate, or non-public, schools round out the Metro board, which elects one of its number as chairman.

Originally the Metro school board borrowed money centrally to meet capital costs, collected taxes from the constituent communities through the Metro Council, and distributed funds to the local boards in the form of "maintenance assistance payments" based on the number of pupils in attendance—not too different from state aid in the United States, except that it averaged 60 per cent of a local board's revenues, considerably more than most of our states are willing to pay to equalize the load.

Nevertheless, the plan did not work well enough. It achieved a rough dollar equality but fell considerably short of the kind of distribution that real equality of opportunity required. Under a revised scheme adopted two years ago, the role of the Metro board is to a far greater extent one of judgment. In the words of W.J. McCordic, its dynamic executive secretary and chief administrator, the board's function is "to secure the funds to finance an educational program, to apportion these funds fairly and equitably in relation to need, and to carry out these numerous responsibilities in such a way as to strengthen rather than weaken the autonomy and viability of the six component school systems."

In practice each of these local systems draws up its own operating budget, including whatever new approaches, experiments, or additions it may see fit to initiate. The budget is passed on to the Metro board and defended there by the local's member-representatives. The board as a whole, sitting as a kind of judicial body, tries to reconcile the local district's budget with the needs of the other area boards, eventually putting them all together in a Metro school budget designed to meet special needs and still strike a fair balance. This it passes on to the Metro Council, which is charged with raising the required revenue. No doubt some log-rolling occurs—a tacit understanding, say, that the representatives of Scarboro will support a special request in the Etobicoke budget in return for reciprocal consideration the following year. But, as McCordic says, "What's wrong with that?" It is at least give-and-take, rather than demand-and-reject.

Should a local board feel genuinely aggrieved, two courses are open to it. It may carry the matter to the Ontario Municipal Board, a quasi-judicial body which acts as a kind of ombudsman, or it can impose an additional tax of up to 2.5 mills on its own local citizenry for some special purpose denied by Metro.

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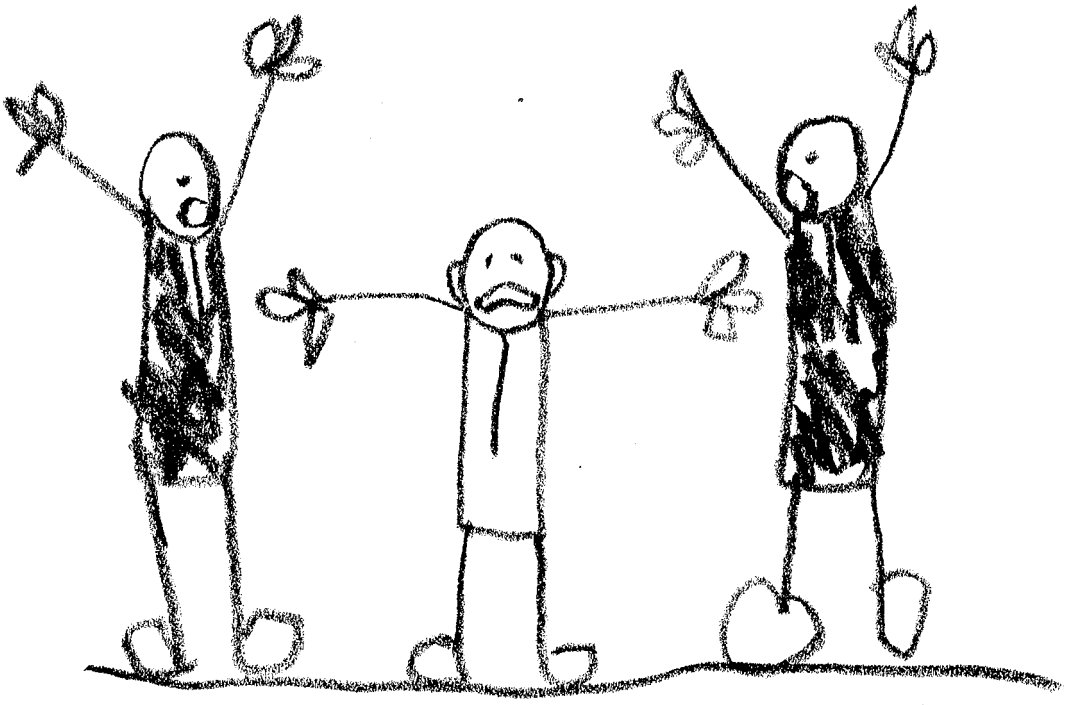

There is a flexibility in the Toronto arrangement which allows a balancing of appropriations that is politically refreshing. "Some would have us apportion the funds by a simple formula method of so much per pupil for each area board," explains Barry G. Lowes, chairman of the Metro school board. "Such a formula would be clear dereliction of our duty and, furthermore, it simply could not do the job of sharing funds equitably." After the initial agitation for per capita allocations, he says, "the districts learned to yield to the special needs of other areas," whether it was additional teachers for fast-growing North York or junior kindergarten classes for non-English-speaking children of the inner city.

Technically, collective bargaining is still carried on between the teachers and their local boards. But in the name of coordination there has been a steady drift toward conducting negotiations at Metro headquarters with the assistance of Metro's Salary Committee. Slowing up this trend, no doubt, was the fantastic division of the teachers themselves into numerous groups—elementary school men, elementary school women, secondary teachers of both sexes, English Catholic school men, English Catholic school women, French Catholic school men, French Catholic school women, etc. Fragmented, they found it easier and more personal to deal with their local employers. "We were comfortable with our own little boards," said Robert Brooks, president of the Toronto district of the Ontario Secondary School Teachers Federation. "They were close to local problems, and we were afraid of losing contact with the trustees." Besides, although they are not nearly as militant and aggressive as their opposite numbers south of the border, the teachers could hardly avoid seeing a certain usefulness in pitting one district against another to their own advantage.

For its part, the Metro staff soon saw the extreme difficulty of passing



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judgment on budgets featuring wide variations for teachers' salaries. "I cannot imagine the borough boards maintaining a satisfactory relationship with each other if they remain in competition in the matter of teachers' salaries," McCordic said in a public speech. With a certain amount of gentle prodding, the teachers were gradually persuaded to move toward standard scales for the area. Under no legal compulsion, they began holding joint talks with their own school superintendents and members of the Metro board. In 1968 secondary and elementary school teachers, once characterized, respectively, as "Brahmins and untouchables," shared a common bargaining table for the first time.

In the end negotiating with Metro seemed the sensible and practical thing to do. After all, as Brooks conceded, "That's where the money is." The result is that elementary schools, through wholly voluntary action, now have virtually the same salary schedules throughout the area, and secondary schools are close to achieving the same result.

If Metro is vigorously promoting equality of opportunity, if Metro is in effect negotiating with the teachers, and if Metro is passing on budgets and fixing financial priorities on the basis of its own value judgments, what is left to the autonomous boards?

Ask a Metro official that question and he will tell you, as McCordic told me, "It is a matter of starting the process from the ground up rather than imposing it from above. Budgets originate locally, based on the local boards' philosophy and sense of their own communities. Their representatives on the Metro board have to defend those budgets and they may not get all they want, but the color and flavor of their respective systems are preserved." Variations, innovations, and competition are not only possible but encouraged. "We need this friendly, stimulating rivalry," Barry Lowes said. "For if a grey smog of uniformity gradually settles over Metro, then we shall have failed."

Certainly Metro has had its critics and prophets of doom. City politicians were from the first given to rousing the electorate with reminders that Toronto contributed more in Metro school taxes than it ever received from the Metro board. Other critics argued that, unless a local board left a good deal of fat in its proposed budget, it would almost surely find itself shortchanged after the Metro board had done its job of paring. And there were always those who saw in any degree of centralization a forewarning of more to come.

The criticisms were hardly basic. Of course some districts give more than they get. That was the essence of the plan. An unequal distribution of dollars for the sake of real equality was one of its fundamental purposes. Yet, for all the complaining by city politicians, the fact is that few communities in the United States have done a better job than Metro of rebuilding and renewing the schools of their inner city. Parts of metropolitan Toronto would not have survived without it.

Add to these basic achievements the fact that Metro has succeeded in cutting down class size throughout the area, more or less satisfied the teachers, provided considerable improvement in facilities for handicapped pupils, and developed original and economic concepts of school construction; add further that in the first full year of the new Metro system not one local board was required to reduce its original budget, and it becomes apparent why such fears and criticisms as existed at the outset have grown fairly dim—dim enough for the reasonably cautious Barry Lowes to take office in 1969 with the words: "At the inaugural meeting two years ago... I asked the question that was on all our minds: 'Will Metro work?' A year ago I said that we still did not know!



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Tonight I would like to preface my remarks by saying that, on the basis of evidence generated in 1968, the question is no longer relevant. The answer is obviously yes—a resounding yes!"

More subdued, but just as convincing, was the comment of Barry Zwicker, education writer of the Toronto *Star*: "Metro has worked out so well that not much is written about it."

## Will It Work Here?

How applicable is the Toronto experience, and the concept of federation, to the problems of the American school board? There are differences, to be sure, between the situation of Toronto and that of our own cities. The Canadian metropolis does not have quite the extensive poverty-in-the-midst-of-plenty that marks our greatest urban centers, nor has it the large Negro enclaves that pose for us the tremendously difficult problems of a damaging racial segregation. And, finally, Toronto's suburbs prior to Metro were more in need of relief than the inner city, whose sources of revenue were not yet as inadequate as ours to keep pace with its mounting social needs.

But to state these differences is merely to say that Toronto was at an earlier stage in the same process that afflicts our own big cities and that Metro may well have served to arrest its downward course. What is more, the balance in the United States is beginning to shift—with the suburbs, especially those closest to the line, beginning to show the symptoms of distress that have afflicted the inner city. The growth rate of the non-white population in the suburbs is already greater than it is in the central cities, producing the usual pattern of a white middle class fatuously fleeing to outer suburbia, with segregation, loss of local revenue, and decay resulting.

Meanwhile, even in outer suburbia itself, rejection of the school budget has almost become a rite of spring. And collective bargaining, under threat of a teachers' strike, is rapidly reducing school boards to a condition of chronic hysteria. Peter Schrag is surely right in his prediction that "suburban isolation is but a temporary luxury; ultimately the agony of the city will make itself felt in the periphery as well." In any case, it is academic to debate whether public education is in greater ultimate danger on the inner or outer side of the city line, when it faces—on both sides—grave problems that can only be solved in cooperation.

To approach in a more positive way the question of Metro's applicability, one need only picture to himself the workings of the two-tiered system in any of our cities—let us say Philadelphia, to choose one where we know there is a wide gap between what is spent on pupils in the central city and in the opulent areas surrounding it.

A Metro school board, if it had enough suburban representatives to balance those of Philadelphia proper, would have at its disposal tax money, assessed at a uniform rate, from the entire district—central city, Main Line, and all. And these it would distribute with an eye to equality of educational opportunity, which is not the same thing at all as guaranteeing to turn out equally educated Philadelphians, but only a step in the direction of social justice long deferred. Between core city and suburbs there would have to be that give-and-take which is a tempering force as well as a *modus operandi* in representative democracy rather than



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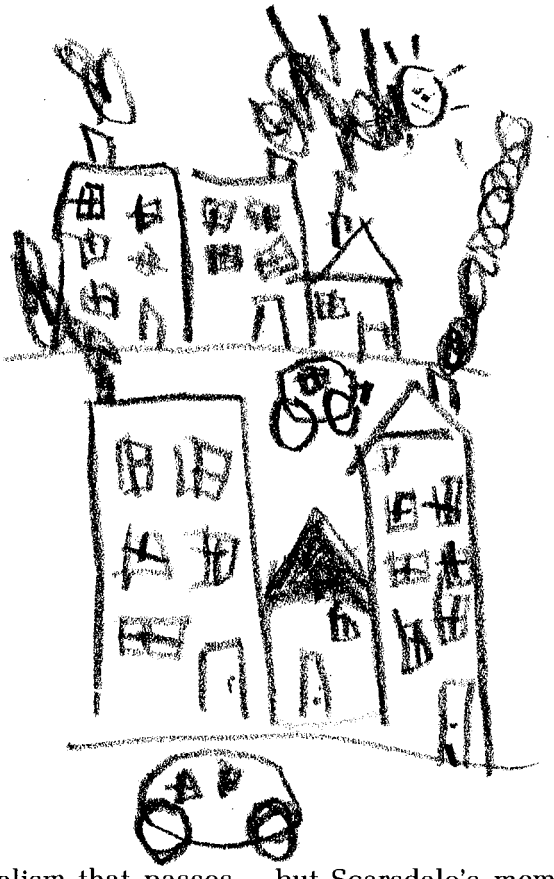

the anarchic individualism that passes often enough nowadays as "participatory democracy."

New York City might well present special problems that would defy the Toronto solution. As a single district within a metropolitan scheme it would still have difficulty in governing its own far-flung system or even in representing it adequately on a common regional board. But the very existence of such a board would make it far more reasonable to break the city system into a number of autonomous districts, each of which would belong to the Metro system as a whole and be represented on its board. Decentralization under a centralized but *representative* authority would be the formula, with regional wealth and talents to draw on and regional space for maneuvering. Harlem would get some of Scarsdale's money, but Scarsdale's member would have a check on what Harlem did with it. And vice versa.

Granted all the advantages of metropolitanism and the good sense of federation, there is no doubt that it would be somewhat lopsided in its benefits, at least for a while. It would profit the poor district at the expense of the rich, the city at the expense of the suburb, Chicago at the expense of Winnetka, Boston at the expense of Newton, Detroit at the expense of Grosse Point. The question arising from this circumstance is not a moral one—the only immorality is to continue allowing, as we do now, the accident of geography and available taxable wealth to determine a child's educational possibilities. The question is the hard practical one of how the Winnetkas, Newtons, and Grosse Points are to be persuaded to



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enter into arrangements that would so obviously reduce their present advantage.

It is in the power of the states, subject to their various constitutional limitations, to do what needs to be done in the way of school redistricting, just as it fell to the Ontario government to force the metropolitan area system on the less than enthusiastic authorities of Toronto. But it is the legislatures that would have to act, and they are not inclined to coerce suburbia for the sake of the cities, even when their state constitutions permit.

What may force them to act, among other factors, is a possible ruling by the courts, in a pending Detroit case or some other suit, that present inequalities are a violation of the federal Constitution. In that event they could establish metropolitan area school districts without going so far as to impose complete Metro government. Indeed, Vermont and New Hampshire recently persuaded the United States Senate to pass a bill allowing them to merge school systems now separated by the state line. In most cases, no constitutional change would be required to introduce the carrot-and-stick technique invoked successfully by California's Unruh Act, which not only permits but encourages the merging of separate school districts by referendum. What can be used to bring town and town together could be used, so far as schools are concerned, to merge city and suburb.

Alan K. Campbell suggests that the cities themselves might do a little trading toward this end, agreeing to drop or defer a commuter tax, for example, or to let suburbs tap their water lines and make other such concessions in return for a coalition of some sort in the field of education. Even a decision to spend more money on schools than the suburbs do, if the money can be had, would make federation more inviting. In any such effort the city should be able to count on the powerful support of its bankers, realtors, and industrialists, all of whom, as heavy taxpayers, have a lively interest in drawing suburban dollars into the school system in order to lighten their own load. Finally, there is the federal government, with an ample store of carrots to spend, through the Department of Health, Education and Welfare or the Department of Housing and Urban Development, on communities that strive in any imaginative way to improve the quality of city life—such as accepting a rational, in the end an inevitable, regional district for the improvement of their public schools.

In the end, however, it must be the people of the outlying areas themselves who come to grips with the problem—perhaps because they see the spreading blight of the cities encroaching on their places of suburban refuge. Or because they realize their dependence on, and their debt to, the city where they work and play but where they neither sleep nor pay taxes. Or even because they have awakened at long last to the moral wrong and imminent danger of allowing the children of the cities to grow up hurt and embittered.

If for these reasons, or any other, they accept their responsibilities as citizens of a metropolis, they may do more than solve the immediate problems of schools and school boards. It is more than just possible that they will have saved the city—and the suburb and the country with it. For the political entity of the city no longer coincides with the true locale of its people, the place where they both work and live. When that happens, government must gradually lose its grip and, in time, cease to govern. Looking at our worn and seething centers of frustration, no one can doubt that we have already moved into this downward spiral or that the saving of our schools is only one aspect of the larger and more desperate need to save our cities.■



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# Memo of the Month:

*(This feature will recur as frequently as our readers supply us with appropriate examples.)*

## POST OFFICE DEPARTMENT

DATE: August 1, 1969

REPLY TO ATTN OF: EGC:RL:RSH:ec

SUBJECT: Restricted Sick Leave List

TO: All Supervisors

The following is a reprint from a letter I received from the Philadelphia Regional Office under date of July 28, 1969. Please be guided accordingly.

Your attention is called to Postal Manual Section 721.435 which was issued on August 22, 1968, and which states the procedures required for placing an employee's name on such a list and removing it therefrom. Reference is also made to Postal Manual Section 721.434c in relation to the subject.



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When management officials impose a sick leave restriction pursuant to Section 721.435b (1), they must follow strictly the steps outlined in paragraphs (a) through (e) as further clarified in Section 330 Methods Handbook Series M-36 (ATAL). If the restriction is issued without full conformance with these procedures, a fatal procedural error will have been committed.

When management officials impose a sick leave restriction pursuant to Section 721.435b (2) as provided by Section 721.434c, they have an obligation to support such action with substantive justifying evidence which, as a minimum requirement, must at least indicate abuse of sick leave and which evidence must have been considered prior to imposition of such restrictions. Please refer also to Part III Personnel Handbook Series P-7, Guide for Supervisors on Sick Leave Administration, for practices and patterns which would indicate abuse of sick leave.

These matters are of prime consideration in grievance appeals against placement on restricted lists. If either the procedures in Section 721.435b (1) have not been followed or if abuse has not been indicated prior to placement on the restricted list pursuant to Section 721.435b (2), the appeals of such employees will be supported. This will result in a requirement that their names be removed from the lists until such times as the above procedures have been satisfied.

/s/ E. G. Coll,
Postmaster
Pittsburgh, Pa. 15219



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THE CULTURE OF BUREAUCRACY:

# The Right to Speak Out from Within

by David Hapgood

When can a public employee share with the public his critical opinion of his employer? When can he write a letter to the editor informing the taxpayers that they are not getting their money's worth from his agency?

Administrators traditionally have silenced their internal critics with the threat of dismissal, on the grounds that they gave up their right to free speech under the First Amendment when they took the job. You don't have to work for the government, the administrator will say; if you want to exercise your constitutional right of free speech, work someplace else.

Now, however, as a consequence of a series of federal court decisions, public employees, beginning with employees of the federal government, seem certain to gain a much greater right to bite the hand that feeds them. At the suggestion of a federal court, the Civil Service Commission is writing guidelines defining the right of federal employees to dissent in public.

The potential effect is considerable. For the men who administer bureaucracies, the court decisions, once implemented, mean considerably less

*David Hapgood is a contributing editor of* The Washington Monthly.

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power to sweep their internal problems under the rug and head off informed public criticism. For the public, it means access to more information about what is going in government—and therefore more power to keep the system honest.

The federal courts have been dismantling, brick by brick, the wall erected by bureaucrats to keep the public out. The protagonists in these cases have been a delightfully mixed bag of Americana: an august newspaper, an erratic district attorney, a liberal schoolteacher, a Panama Canal Zone cop who was anything but liberal. In 1964, the Supreme Court reversed a lower court award of libel damages against *The New York Times* on the grounds that statements about public officials could not be held to be libelous, even if false, unless the statements were made "with knowledge that [they were]...false or with reckless disregard of whether [they were]...false or not." That year the Supreme Court extended the same principle to public employees when it reversed the criminal defamation conviction of New Orleans District Attorney Jim Garrison because of some critical charges he hurled at the local judiciary.

Then, in the Pickering case of 1968, the Supreme Court extended the right of the public employee to dissent without losing his job—a considerably lesser reprisal than the criminal defamation charge brought against Garrison. It is the ripples from the Pickering case that are now lapping around the federal bureaucracy.

Marvin L. Pickering, a teacher in Township High School District 205, Will County, Illinois, wrote a letter to the local newspaper. Pickering's letter charged the school administration with misleading the public about a bond issue, criticized the board's allocation of funds between education and athletics, and charged the superintendent with trying to suppress criticism from teachers. Pickering's letter concluded: "I must sign this letter as a citizen, taxpayer, and voter, not as a teacher, since that freedom has been taken away from the teachers by the administration. Do you really know what goes on behind those stone walls at the high school?"

The school board fired Pickering on the grounds that much of what he said was false and that publication of his letter was "detrimental to the efficient operation and administration of the schools of the district." Pickering went to court. He lost the first two rounds, in the Illinois state courts, but the case finally reached the U.S. Supreme Court, and there Pickering won.

The Supreme Court, in an eight to one decision, reversed the state court's action in upholding Pickering's firing. It did so even though the Court found that Pickering was inaccurate—but not malicious or reckless—in some of his facts.

While Pickering's case was crawling through the judicial process, another case was starting down in the Panama Canal Zone. Richard D. Meehan was a policeman for the Canal Zone government, who, like Pickering, spoke out in public against his superiors. Unlike Pickering, however, Meehan was a perfect case for civil libertarians. Pickering was attacking his employers from the liberal side, but not Meehan: he was sniping at them from the far right. Meehan's case resembles, in this respect, that of another famous victim of a system, Captain Alfred Dreyfus. When it was pointed out that Dreyfus had no interest in civil liberties, indeed that he would have been an anti-Dreyfusard had he not happened to be Dreyfus himself, Clemenceau, his chief defender, said that was all to the good since it made the case one of pure principle. Similarly with Meehan: his views are such that libertarians can only support him on pure principle.



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That's all he has going for him.

Meehan was a police private when, in 1963-64, rioting Panamanians invaded the Canal Zone. Meehan was also president of the Canal Zone Lodge of the American Federation of Government Employees. What made a dissenter of Meehan was the post-riot decision of the Zone's Governor, General Robert J. Fleming, Jr., to hire Panamanians for the then all-American police force. Meehan reproduced and circulated among his fellow police a letter and poem attacking the Governor. Then he gave press interviews stating his opposition to the plan to hire Panamanians as cops.

Meehan's letter stated that the Governor's plan was "but another concession to the forces desiring to see U.S. influence abroad destroyed." As for the Governor himself, the letter said, he was "only an instrument of the boys in the black strip [*sic*] pants in the State Department, whose major goal since the time of Alger Hiss has been to implement the policy of New Americanism and erase all opinions opposed to their policies." The letter urged protests to Congress. The poem that accompanied the letter was written by A.C. Payne, a Canal Zone employee. The title is "In the Panama Canal Waters" and the first stanzas go like this:

> Someone rocks the hull
> Of our U.S. Constitution,
> He grabs it by the gunwales
> In a foreign revolution.
>
> He dampens Civic powder,
> Muzzles Union guns
> Recruits the foreign nationals,
> Rejects the native sons.

Meehan was fired by the Governor on three grounds: conduct unbecoming a police officer, failure to obey instructions (not to issue statements that would get to the local press), and failure to obtain clearance prior to publication. Meehan appealed, and his case was taken on by the American Federation of Government Employees. The case worked its way up through the appeals machinery of the U.S. Civil Service Commission. Meehan lost each round and then, like Pickering, he went into federal court.

In May of this year, the U.S. Court of Appeals for the District of Columbia Circuit partially upset Meehan's firing, citing the Pickering case as precedent. By a six to three vote, the court dismissed two of the three charges against Meehan. (One of the dissenters was Warren Earl Burger, now Chief Justice of the Supreme Court.) The court ordered that the remaining charge—"conduct unbecoming a police officer"—be "reconsidered in the light of Pickering" and that, if the charge is still found valid, the penalty be reconsidered.

Meehan still does not have his job back—his lawyer, Edward L. Merrigan, is pressing for a hearing—but the Appeals Court decision seemed to invite the Canal Zone authorities to clear him or let him off with a suspension rather than firing. (The case of A. C. Payne, fired for his poem, is still in the courts.) Far more important than the fates of Meehan and Payne, however, was the court's message to the Civil Service Commission: "The Commission may consider this an appropriate time to reconsider its precedents in the light of Pickering and to establish general guidelines insofar as that may be feasible."

Lawyers at the Commission have begun drafting the guidelines and expect that they will come out before the end of the year. If the guidelines do in fact follow the spirit of the Pickering decision—and if they do not, they are not likely to hold up in court—they will amount to a bill of rights for dissenting federal employees. The guidelines, once incorporated in the codes governing federal agencies, would provide

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far surer protection for a dissenter than the dubious right of fighting a dismissal through the courts. (Still another case, just beginning its court career, may eventually broaden the Pickering principle to protect federal employees against reprisals less severe than firing. Murray Smith, a Foreign Service Officer, has sued to remove from his personnel file an unfavorable memorandum placed there after he signed a petition titled "Federal Employees Against the War in Vietnam.")

For federal employees, then, it is important to know just what the Supreme Court said in the Pickering case. What the Court did was to place a much greater burden of proof on the employer who wants to fire a dissenter in the ranks. The Court knocked out, for lack of evidence, two of the most time-worn justifications given by bureaucrats for getting rid of critical employees: (1) that the critic is disrupting harmony and discipline, and (2) that public criticism is damaging to the agency.

On the first, the Court observed that Pickering's "statements are in no way directed towards any person with whom [he] would normally be in contact in the course of his daily work as a teacher." (He criticized the school board and superintendent, not his principal or department chairman.) "Appellant's employment relationships with the Board and, to a somewhat lesser extent, with the superintendent are not the kind of close working relationships for which it can be persuasively claimed that personal loyalty and confidence are necessary to their proper functioning. Accordingly, to the extent that the Board's position here can be taken to suggest that even comments on matters of public concern that are substantially correct...may furnish grounds for dismissal if they are sufficiently critical in tone, we unequivocally reject it."

The Court also dismissed the claim that Pickering's letter was damaging to the schools: "The Board's original charges included allegations that the publication of the letter damaged the professional reputations of the Board and the superintendent and would foment controversy and conflict among the Board, teachers, administrators, and the residents of the district. However, no evidence to support these allegations was introduced at the hearing. So far as the record reveals, Pickering's letter was greeted by everyone but its main target, the Board, with massive apathy and total disbelief."

The Court went on to point out the crucial difference between what hurts the agency and what hurts the bureaucrat: "...the only way the Board could conclude, absent any evidence of the actual effect of the letter, that the statements contained therein were *per se* detrimental to the interest of the schools was to equate the Board members' own interests with that of the schools."

Most important, the Court stressed the right of the public to know what was on Pickering's mind: "...the question whether a school system requires additional funds [an issue in Pickering's letter] is a matter of legitimate public concern on which the judgment of the school administration, including the School Board, cannot, in a society that leaves such questions to popular vote, be taken as conclusive. On such a question, free and open debate is vital to informed decision-making by the electorate. Teachers are, as a class, the members of a community most likely to have informed and definite opinions as to how funds allotted to the operation of the schools should be spent. Accordingly, it is essential that they be able to speak out freely on such questions without fear of retaliatory dismissal."

Pickering's case leaves some major questions unanswered. Suppose he had attacked his immediate supervisor instead of administrators with whom he did not have personal dealings: how



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much difference would that have made? Far more important, suppose Pickering's letter had had some impact, as any dissenting employee would hope, rather than being greeted by "massive apathy and total disbelief." What if the public had responded to Pickering's attack by voting down the next bond issue? Would the board have been justified in firing him on the grounds that he had caused "damage?" Suppose damage is caused by charges that are, like Pickering's, inaccurate in detail, but that also convey to the public the generally accurate message that the agency is doing its job poorly? Underlying these questions is a broad issue of public interest. At what point does the agency's right to protect itself from "damage" give way to the public's right to know what is, or may be, wrong with the performance of its public servants?

However these issues are resolved, either by the Civil Service Commission or by later court decisions, it is clear that public employees will gain a much greater right of public dissent. They will be able, to a much greater degree, to do what Pickering said he could not do: express himself both as a citizen and as a public employee. The larger meaning of the Pickering decision is that it will make it harder for administrators to prevent the public from finding out what is happening behind the bureaucratic walls.■

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# The Burnt-Out and the Bored

by Robert N. Butler, M. D.

From early childhood, the life of the modern American is rigidly programmed. First comes a block of education extending at least into his late adolescence and increasingly often into his twenties. He then faces a massive block of work for 40 years, followed by retirement and leisure. This fixed design is stultifying not only to the individual but to his society.

Retired people may be too exhausted to enjoy their leisure or they may want to continue working. Even if they want to relax and enjoy themselves, their 40 consecutive years of work have given them little preparation for the creative use of leisure.

At the other end of the life cycle, the adolescent may be thrust into a system of higher education before he is ready for it. He may want to work, to try his hand at various kinds of jobs. He may need to dream, travel, or simply enjoy life before making major, and possibly binding, decisions.

Both ends of the life cycle press upon the middle aged. It is they who must support the education of the young and the retirement of the old. It is they who have the heaviest responsibilities and expenses. A few attempt escape—some take to drink; others "cop out" and literally disappear. But the vast majority continue in their jobs, in their marriages, in their established molds.

Some would like to change their life styles and shift their interests, or simply have the leisure to catch their breath. But many of them lack the resources to finance a year off for education or a long vacation. Even when resources exist, they may be afraid to take leaves of absence or give up their present positions for fear that others will be promoted above them in their absence. Furthermore, our conformist society regards as bizarre a mid-life attempt to turn away from one's career and try something else.

For many Americans, their 40 years of work are 40 years of tedious routine, their plight not unlike that of the worker in Charlie Chaplin's "Modern Times." There is little to stimulate them. Their minds grow idle, at best absorbing passively the thoughts of others and at worst living off knowledge acquired in the past.

Still other Americans, particularly in the professional-managerial class, operate under nearly constant pressure. If the former group tends to sleep

*Dr. Butler is a research and practicing psychiatrist and gerontologist and is co-author of the book* Human Aging.



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on the job, the latter may find it difficult to sleep at all. Instead of slowly drying up, they literally burn out. The middle aged, tail-gated by youth, fear competition. Sometimes they retreat from the firing line and seek the kind of administrative jobs that conceal their growing incapacity, or their fear of it. This same fate may be observed among creative scientists as well as creative decision-makers.

It is little wonder then that, beyond any benevolent motive in our compulsory retirement policies, there is the additional, if cruel, desire to eliminate the obsolete from the American work force. Compulsory retirement is too often accompanied by unofficial personnel policies that discourage the hiring of men in their forties and fifties. No one wants to take on the man who has been burned out in a pressure job or fossilized in a tedious one.

Whatever the types of work, the consequences of human obsolescence to both the person and the nation are incalculable. Our society pays a heavy price in reduced effectiveness and diminished innovation, and the individual loses his opportunity for personal growth and development in his relationship with his family and community.

Fundamental changes are needed if we are to reverse these trends. We must free ourselves from seeing education, work, and leisure-retirement as three separate periods of life. We must begin thinking of these activities as running concurrently and continuously throughout life. Existing financial supports—private and public funds for education, unemployment insurance, in-service training funds, social security, pensions, etc.—would, of course, have to be reallocated to support such a basic reshuffling of life-cycle activities. Youth could then feel free to work or loaf as well as to attend college. The 35-year-old would be encouraged to take time off to study, change directions, or relax. The 70-year-old, in part because he would have had these constantly refreshing experiences throughout life, would be as prepared for work and study as he would be for a true enjoyment of leisure.

The federal government, as the nation's largest employer, should lead the way in a radical reconstruction of life-cycle activities.

Two initial steps can be undertaken immediately by the government. First, federal workers should be allowed to accumulate annual leave beyond the



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present 30-day limit and encouraged to collect their time for a variety of purposes from travel to education to leisure.

Second, policy toward time off for study should be broadened. Most federal agencies already permit time off for study, at least in theory. But employees are seldom in fact encouraged to take leave, and, if they are, they are urged to pursue studies directly related to their work. Clearly, employees should always have freedom of choice and be encouraged to select activities very different from their present work. The Budget Bureau official may gain more—for himself as well as the Bureau—from listening to Allen Ginsberg than from another course in systems analysis.

Of course, such action is but a small part of what needs to be done. We must attack the whole complex of laws, customs, union, and management rules that discourage adolescent work and encourage compulsory retirement. We must reappraise all of the supposed social "advances" such as job tenure, career ladders and seniority rights that tend to lock people into 40 years of work and devise new ways of stimulating men to use more of those years for learning and leisure.

Our object should be to create a society in which men continue to grow until the very end of life. Obviously, the attainment of that objective will be a tremendously complex undertaking, involving problems not even suggested in this article. But its complexity in no way diminishes its urgency for the 40-year-old who is slowly being destroyed by the pressure or boredom of his job. A real chance to rest and relax would mean far more now than when he's 65. The chance to learn the things he now wants to know could mean a new life with new work—work that engages and satisfies the man he is instead of the man he was when he made his first career choice years ago.■



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